

HOUSE BILL No. 2969

By Committee on Appropriations

3-13

9 AN ACT concerning school districts; relating to virtual schools; amending
10 K.S.A. 2007 Supp. 72-6407 and repealing the existing section.

11

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

13 New Section 1. Sections 1 through 5, and amendments thereto, shall
14 be known and may be cited as the virtual school act.

15 New Sec. 2. As used in the virtual school act:

16 (a) "Virtual school" means any school or educational program that:
17 (1) Is offered for credit; (2) uses distance-learning technologies which
18 predominately use internet-based methods to deliver instruction; (3) in-
19 volves instruction that occurs asynchronously with the teacher and pupil
20 in separate locations; (4) requires the pupil to make academic progress
21 toward the next grade level and matriculation from kindergarten through
22 high school graduation; (5) requires the pupil to demonstrate competence
23 in subject matter for each class or subject in which the pupil is enrolled
24 as part of the virtual school; and (6) requires age-appropriate pupils to
25 complete state assessment tests.

26 (b) "School district" means any school district which offers a virtual
27 school.

28 (c) Except as provided by this section, words and phrases shall have
29 the meanings ascribed thereto in the school district finance and quality
30 performance act.

31 New Sec. 3. Virtual schools shall be under the general supervision
32 of the state board. The state board may adopt any rules and regulations
33 relating to virtual schools which the state board deems necessary to ad-
34 minister and enforce the virtual school act.

35 New Sec. 4. (a) In order to provide for the proper delivery of instruc-
36 tion through distance-learning technologies, school districts shall provide
37 adequate training to teachers who teach in virtual schools. Each year,
38 school districts shall submit a report relating to training programs pro-
39 vided by the district to teachers who teach in virtual schools. Such reports
40 shall be submitted in the manner and form required by the state board.

41 New Sec. 5. (a) In order to be included in the full-time equivalent
42 enrollment of a virtual school, a pupil shall be in attendance at the virtual
43 school on (1) a single school day on or before September 19 of each school

1 year and (2) on a single school day on or after September 20, but before
2 October 4 of each school year.

3 (b) A school district which offers a virtual school shall determine the
4 full-time equivalent enrollment of each pupil enrolled in the virtual school
5 on September 20 of each school year as follows:

6 (1) Determine the number of hours the pupil was in attendance on
7 a single school day on or before September 19 of each school year;

8 (2) determine the number of hours the pupil was in attendance on a
9 single school day on or after September 20, but before October 4 of each
10 school year;

11 (3) add the numbers obtained under paragraphs (1) and (2);

12 (4) divide the sum obtained under paragraph (3) by 12. The quotient
13 is the full-time equivalent enrollment of the pupil.

14 (c) The school days on which a district determines the full-time
15 equivalent enrollment of a pupil under paragraphs (1) and (2) of subsec-
16 tion (b) shall be the school days on which the pupil has the highest num-
17 ber of hours of attendance at the virtual school. No more than six hours
18 of attendance may be counted in a single school day. Attendance may be
19 shown by a pupil's on-line activity or entries in the pupil's virtual school
20 journal or log of activities.

21 (d) Each school year a school district which offers a virtual school
22 shall be entitled to virtual school state aid. Subject to the availability of
23 appropriations for virtual school state aid and within the limits of any such
24 appropriations, the state board of education shall determine the amount
25 of virtual school state aid a school district is entitled to receive by mul-
26 tiplying an amount not to exceed the amount of base state aid per pupil
27 by the virtual school full-time equivalent enrollment of the virtual school.
28 The product is the amount of the virtual school state aid to which the
29 school district is entitled. Moneys received as virtual school state aid shall
30 be deposited in the general fund of the school district and shall be con-
31 sidered reimbursements for the purpose of the school district finance and
32 quality performance act.

33 (e) For the purposes of this section, a pupil enrolled in a virtual school
34 who is not a resident of the state of Kansas or who is over the age of 21
35 years shall not be counted in the full-time equivalent enrollment of the
36 virtual school.

37 New Sec. 6. (a) If a school district offers a virtual school, the pupils
38 enrolled in the virtual school who are residents of the state of Kansas and
39 who are not over the age of 21 years shall be included in the enrollment
40 of the school district for the purpose of determining the assignment of
41 pupil weightings to enrollment of the school district under the school
42 district finance and quality performance act. No state financial state aid
43 shall be paid to a school district for pupils enrolled in a virtual school. In

1 lieu of state financial state aid for pupils enrolled in a virtual school, a
2 school district shall be paid virtual state aid as provided by section 5, and
3 amendments thereto.

4 (b) This section shall be part of and supplemental to the school dis-
5 trict finance and quality performance act.

6 Sec. 7. K.S.A. 2007 Supp. 72-6407 is hereby amended to read as
7 follows: 72-6407. (a) (1) "Pupil" means any person who is regularly en-
8 rolled in a district and attending kindergarten or any of the grades one
9 through 12 maintained by the district or who is regularly enrolled in a
10 district and attending kindergarten or any of the grades one through 12
11 in another district in accordance with an agreement entered into under
12 authority of K.S.A. 72-8233, and amendments thereto, or who is regularly
13 enrolled in a district and attending special education services provided
14 for preschool-aged exceptional children by the district.

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

1 rehabilitation services or in the custody of the commissioner of juvenile
2 justice and enrolled in unified school district No. 259, Sedgwick county,
3 Kansas, but housed, maintained, and receiving educational services at the
4 Judge James V. Riddell Boys Ranch, shall be counted as two pupils.

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

24 (e) “Enrollment” means: (1) (A) Subject to the provisions of para-
25 graph (1)(B), for districts scheduling the school days or school hours of
26 the school term on a trimestral or quarterly basis, the number of pupils
27 regularly enrolled in the district on September 20 plus the number of
28 pupils regularly enrolled in the district on February 20 less the number
29 of pupils regularly enrolled on February 20 who were counted in the
30 enrollment of the district on September 20; and for districts not specified
31 in this paragraph (1), the number of pupils regularly enrolled in the dis-
32 trict on September 20; (B) a pupil who is a foreign exchange student shall
33 not be counted unless such student is regularly enrolled in the district on
34 September 20 and attending kindergarten or any of the grades one
35 through 12 maintained by the district for at least one semester or two
36 quarters or the equivalent thereof;

37 (2) if enrollment in a district in any school year has decreased from
38 enrollment in the preceding school year, enrollment of the district in the
39 current school year means whichever is the greater of (A) enrollment in
40 the preceding school year minus enrollment in such school year of pre-
41 school-aged at-risk pupils, if any such pupils were enrolled, plus enroll-
42 ment in the current school year of preschool-aged at-risk pupils, if any
43 such pupils are enrolled, or (B) the sum of enrollment in the current

- 1 school year of preschool-aged at-risk pupils, if any such pupils are enrolled
2 and the average (mean) of the sum of (i) enrollment of the district in the
3 current school year minus enrollment in such school year of preschool-
4 aged at-risk pupils, if any such pupils are enrolled and (ii) enrollment in
5 the preceding school year minus enrollment in such school year of pre-
6 school-aged at-risk pupils, if any such pupils were enrolled and (iii) en-
7 rollment in the school year next preceding the preceding school year
8 minus enrollment in such school year of preschool-aged at-risk pupils, if
9 any such pupils were enrolled; or
- 10 (3) the number of pupils as determined under K.S.A. 72-6447 or
11 K.S.A. 2007 Supp. 72-6448, and amendments thereto.
- 12 (f) “Adjusted enrollment” means enrollment adjusted by adding at-
13 risk pupil weighting, program weighting, low enrollment weighting, if any,
14 density at-risk weighting, if any, nonproficient pupil weighting, if any, high
15 enrollment weighting, if any, declining enrollment weighting, if any,
16 school facilities weighting, if any, ancillary school facilities weighting, if
17 any, cost of living weighting, if any, special education and related services
18 weighting, and transportation weighting to enrollment.
- 19 (g) “At-risk pupil weighting” means an addend component assigned
20 to enrollment of districts on the basis of enrollment of at-risk pupils.
- 21 (h) “Program weighting” means an addend component assigned to
22 enrollment of districts on the basis of pupil attendance in educational
23 programs which differ in cost from regular educational programs.
- 24 (i) “Low enrollment weighting” means an addend component as-
25 signed to enrollment of districts pursuant to K.S.A. 72-6412, and amend-
26 ments thereto, on the basis of costs attributable to maintenance of edu-
27 cational programs by such districts in comparison with costs attributable
28 to maintenance of educational programs by districts having to which high
29 enrollment weighting is assigned pursuant to K.S.A. 2007 Supp. 72-
30 6442b, and amendments thereto.
- 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.
- 34 (k) “Transportation weighting” means an addend component as-
35 signed to enrollment of districts on the basis of costs attributable to the
36 provision or furnishing of transportation.
- 37 (l) “Cost of living weighting” means an addend component assigned
38 to enrollment of districts to which the provisions of K.S.A. 2007 Supp.
39 72-6449, and amendments thereto, apply on the basis of costs attributable
40 to the cost of living in the district.
- 41 (m) “Ancillary school facilities weighting” means an addend compo-
42 nent assigned to enrollment of districts to which the provisions of K.S.A.
43 72-6441, and amendments thereto, apply on the basis of costs attributable

1 to commencing operation of new school facilities. Ancillary school facil-
2 ities weighting may be assigned to enrollment of a district only if the
3 district has levied a tax under authority of K.S.A. 72-6441, and amend-
4 ments thereto, and remitted the proceeds from such tax to the state trea-
5 surer. Ancillary school facilities weighting is in addition to assignment of
6 school facilities weighting to enrollment of any district eligible for such
7 weighting.

8 (n) “Juvenile detention facility” has the meaning ascribed thereto by
9 72-8187, and amendments thereto.

10 (o) “Special education and related services weighting” means an ad-
11 dendum component assigned to enrollment of districts on the basis of costs
12 attributable to provision of special education and related services for pu-
13 pils determined to be exceptional children.

14 ~~(p) “Virtual school” means any kindergarten or grades one through~~
15 ~~12 course offered for credit that uses distance-learning technologies~~
16 ~~which predominantly use internet-based methods to deliver instruction~~
17 ~~and for which the course content is available on an “anytime, anyplace”~~
18 ~~basis, but the instruction occurs asynchronously with the teacher and~~
19 ~~pupil in separate locations, not necessarily located within a local education~~
20 ~~agency.~~

21 (p) *“Virtual school” means any school or educational program that:*
22 *(A) Is offered for credit; (B) uses distance-learning technologies which*
23 *predominately use internet-based methods to deliver instruction; (C) in-*
24 *volves instruction that occurs asynchronously with the teacher and pupil*
25 *in separate locations; (D) requires the pupil to make academic progress*
26 *toward the next grade level and matriculation from kindergarten through*
27 *high school graduation; (E) requires the pupil to demonstrate competence*
28 *in subject matter for each class or subject in which the pupil is enrolled*
29 *as part of the virtual school; and (F) requires age-appropriate pupils to*
30 *complete state assessment tests.*

31 (q) “Declining enrollment weighting” means an addendum component
32 assigned to enrollment of districts to which the provisions of K.S.A. 2007
33 Supp. 72-6451, and amendments thereto, apply on the basis of reduced
34 revenues attributable to the declining enrollment of the district.

35 (r) “High enrollment weighting” means an addendum component as-
36 signed to enrollment of districts pursuant to K.S.A. 2007 Supp. 72-6442b,
37 and amendments thereto, on the basis of costs attributable to mainte-
38 nance of educational programs by such districts as a correlate to low
39 enrollment weighting assigned to enrollment of districts pursuant to
40 K.S.A. 72-6412, and amendments thereto.

41 (s) “High density at-risk pupil weighting” means an addendum compo-
42 nent assigned to enrollment of districts to which the provisions of K.S.A.
43 2007 Supp. 72-6455, and amendments thereto, apply.

- 1 (t) “Nonproficient pupil” means a pupil who is not eligible for free
2 meals under the national school lunch act and who has scored less than
3 proficient on the mathematics or reading state assessment during the
4 preceding school year and who is enrolled in a district which maintains
5 an approved proficiency assistance plan.
- 6 (u) “Nonproficient pupil weighting” means an addend component
7 assigned to enrollment of districts on the basis of enrollment of nonprof-
8 icient pupils pursuant to K.S.A. 2007 Supp. 72-6454, and amendments
9 thereto.
- 10 (v) “Psychiatric residential treatment facility” has the meaning as-
11 cribed thereto by K.S.A. 72-8187, and amendments thereto.
- 12 Sec. 8. K.S.A. 2007 Supp. 72-6407 is hereby repealed.
- 13 Sec. 9. This act shall take effect and be in force from and after its
14 publication in the statute book.