

**HOUSE BILL No. 2193**

By Committee on Appropriations

2-7

1 AN ACT concerning school districts; relating to at-risk pupils; amending  
2 K.S.A. 2010 Supp. 72-6407 and repealing the existing section; also  
3 repealing K.S.A. 2010 Supp. 72-6454.  
4

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

6 Section 1. K.S.A. 2010 Supp. 72-6407 is hereby amended to read as  
7 follows: 72-6407. (a) (1) "Pupil" means any person who is regularly  
8 enrolled 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 in  
11 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 for  
14 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. A  
19 pupil attending kindergarten shall be counted as  $\frac{1}{2}$  pupil. A pupil enrolled  
20 in and attending an institution of postsecondary education which is  
21 authorized under the laws of this state to award academic degrees shall be  
22 counted as one pupil if the pupil's postsecondary education enrollment  
23 and attendance together with the pupil's attendance in either of the grades  
24 11 or 12 is at least  $\frac{5}{6}$  time, otherwise the pupil shall be counted as that  
25 proportion of one pupil (to the nearest  $\frac{1}{10}$ ) that the total time of the pupil's  
26 postsecondary education attendance and attendance in grade 11 or 12, as  
27 applicable, bears to full-time attendance. A pupil enrolled in and attending  
28 an area vocational school, area vocational-technical school or approved  
29 vocational education program shall be counted as one pupil if the pupil's  
30 vocational education enrollment and attendance together with the pupil's  
31 attendance in any of grades nine through 12 is at least  $\frac{5}{6}$  time, otherwise  
32 the pupil shall be counted as that proportion of one pupil (to the nearest  
33  $\frac{1}{10}$ ) that the total time of the pupil's vocational education attendance and  
34 attendance in any of grades nine through 12 bears to full-time attendance.  
35 A pupil enrolled in a district and attending a non-virtual school and also  
36 attending a virtual school shall be counted as that proportion of one pupil

1 (to the nearest  $\frac{1}{10}$ ) that the pupil's attendance at the non-virtual school  
2 bears to full-time attendance. Except as provided by this section for  
3 preschool-aged exceptional children and virtual school pupils, a pupil  
4 enrolled in a district and attending special education and related services,  
5 provided for by the district shall be counted as one pupil. A pupil enrolled  
6 in a district and attending special education and related services provided  
7 for by the district and also attending a virtual school shall be counted as  
8 that proportion of one pupil (to the nearest  $\frac{1}{10}$ ) that the pupil's attendance  
9 at the non-virtual school bears to full-time attendance. A pupil enrolled in  
10 a district and attending special education and related services for  
11 preschool-aged exceptional children provided for by the district shall be  
12 counted as  $\frac{1}{2}$  pupil. A preschool-aged at-risk pupil enrolled in a district  
13 and receiving services under an approved at-risk pupil assistance plan  
14 maintained by the district shall be counted as  $\frac{1}{2}$  pupil. A pupil in the  
15 custody of the secretary of social and rehabilitation services or in the  
16 custody of the commissioner of juvenile justice and enrolled in unified  
17 school district No. 259, Sedgwick county, Kansas, but housed,  
18 maintained, and receiving educational services at the Judge James V.  
19 Riddel Boys Ranch, shall be counted as two pupils. ~~Except as provided in~~  
20 ~~section 1 of chapter 76 of the 2009 Session Laws of the state of Kansas,~~  
21 ~~and amendments thereto, a pupil in the custody of the secretary of social~~  
22 ~~and rehabilitation services or in the custody of the commissioner of~~  
23 ~~juvenile justice and enrolled in unified school district No. 409, Atchison,~~  
24 ~~Kansas, but housed, maintained and receiving educational services at the~~  
25 ~~youth residential center located on the grounds of the former Atchison~~  
26 ~~juvenile correctional facility, shall be counted as two pupils.~~

27 (3) A pupil residing at the Flint Hills job corps center shall not be  
28 counted. A pupil confined in and receiving educational services provided  
29 for by a district at a juvenile detention facility shall not be counted. A  
30 pupil enrolled in a district but housed, maintained, and receiving  
31 educational services at a state institution or a psychiatric residential  
32 treatment facility shall not be counted.

33 (b) "Preschool-aged exceptional children" means exceptional  
34 children, except gifted children, who have attained the age of three years  
35 but are under the age of eligibility for attendance at kindergarten.

36 (c) "At-risk pupils" means: (1) Pupils who are enrolled in grades  
37 below fourth grade and who are eligible for free meals under the national  
38 school lunch act and who are enrolled in a district which maintains an  
39 approved at-risk pupil assistance plan; or (2) pupils who are enrolled in  
40 any of the grades four through 12 and who scored less than proficient on  
41 the most recent mathematics or reading state assessments administered to  
42 the pupil and who are enrolled in a district which maintains an approved  
43 at-risk pupil assistance plan.

1 (d) "Preschool-aged at-risk pupil" means an at-risk pupil who has  
2 attained the age of four years, is under the age of eligibility for attendance  
3 at kindergarten, and has been selected by the state board in accordance  
4 with guidelines consonant with guidelines governing the selection of  
5 pupils for participation in head start programs.

6 (e) "Enrollment" means: (1) (A) Subject to the provisions of  
7 paragraph (1)(B), for districts scheduling the school days or school hours  
8 of the school term on a trimestral or quarterly basis, the number of pupils  
9 regularly enrolled in the district on September 20 plus the number of  
10 pupils regularly enrolled in the district on February 20 less the number of  
11 pupils regularly enrolled on February 20 who were counted in the  
12 enrollment of the district on September 20; and for districts not specified  
13 in this paragraph (1), the number of pupils regularly enrolled in the  
14 district on September 20; (B) a pupil who is a foreign exchange student  
15 shall not be counted unless such student is regularly enrolled in the  
16 district on September 20 and attending kindergarten or any of the grades  
17 one through 12 maintained by the district for at least one semester or two  
18 quarters or the equivalent thereof;

19 (2) if enrollment in a district in any school year has decreased from  
20 enrollment in the preceding school year, enrollment of the district in the  
21 current school year means whichever is the greater of (A) enrollment in  
22 the preceding school year minus enrollment in such school year of  
23 preschool-aged at-risk pupils, if any such pupils were enrolled, plus  
24 enrollment in the current school year of preschool-aged at-risk pupils, if  
25 any such pupils are enrolled, or (B) the sum of enrollment in the current  
26 school year of preschool-aged at-risk pupils, if any such pupils are  
27 enrolled and the average (mean) of the sum of (i) enrollment of the  
28 district in the current school year minus enrollment in such school year of  
29 preschool-aged at-risk pupils, if any such pupils are enrolled and (ii)  
30 enrollment in the preceding school year minus enrollment in such school  
31 year of preschool-aged at-risk pupils, if any such pupils were enrolled  
32 and (iii) enrollment in the school year next preceding the preceding  
33 school year minus enrollment in such school year of preschool-aged at-  
34 risk pupils, if any such pupils were enrolled; or

35 (3) the number of pupils as determined under K.S.A. 72-6447 or  
36 K.S.A. 2010 Supp. 72-6448, and amendments thereto.

37 (f) "Adjusted enrollment" means: (1) Enrollment adjusted by adding  
38 at-risk pupil weighting, program weighting, low enrollment weighting, if  
39 any, high density at-risk pupil weighting, if any, medium density at-risk  
40 pupil weighting, if any, nonproficient pupil weighting, if any, high  
41 enrollment weighting, if any, declining enrollment weighting, if any,  
42 school facilities weighting, if any, ancillary school facilities weighting, if  
43 any, cost of living weighting, if any, special education and related

1 services weighting, and transportation weighting to enrollment; or (2)  
2 adjusted enrollment as determined under K.S.A. 2010 Supp. 72-6457 or  
3 72-6458, and amendments thereto.

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

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

9 (i) "Low enrollment weighting" means an addend component  
10 assigned to enrollment of districts pursuant to K.S.A. 72-6412, and  
11 amendments thereto, on the basis of costs attributable to maintenance of  
12 educational programs by such districts in comparison with costs  
13 attributable to maintenance of educational programs by districts having to  
14 which high enrollment weighting is assigned pursuant to K.S.A. 2010  
15 Supp. 72-6442b, and amendments thereto.

16 (j) "School facilities weighting" means an addend component  
17 assigned to enrollment of districts on the basis of costs attributable to  
18 commencing operation of new school facilities.

19 (k) "Transportation weighting" means an addend component  
20 assigned to enrollment of districts on the basis of costs attributable to the  
21 provision or furnishing of transportation.

22 (l) "Cost of living weighting" means an addend component assigned  
23 to enrollment of districts to which the provisions of K.S.A. 2010 Supp.  
24 72-6449, and amendments thereto, apply on the basis of costs attributable  
25 to the cost of living in the district.

26 (m) "Ancillary school facilities weighting" means an addend  
27 component assigned to enrollment of districts to which the provisions of  
28 K.S.A. 72-6441, and amendments thereto, apply on the basis of costs  
29 attributable to commencing operation of new school facilities. Ancillary  
30 school facilities weighting may be assigned to enrollment of a district  
31 only if the district has levied a tax under authority of K.S.A. 72-6441, and  
32 amendments thereto, and remitted the proceeds from such tax to the state  
33 treasurer. Ancillary school facilities weighting is in addition to  
34 assignment of school facilities weighting to enrollment of any district  
35 eligible for such weighting.

36 (n) "Juvenile detention facility" has the meaning ascribed thereto by  
37 K.S.A. 72-8187, and amendments thereto.

38 (o) "Special education and related services weighting" means an  
39 addend component assigned to enrollment of districts on the basis of  
40 costs attributable to provision of special education and related services for  
41 pupils determined to be exceptional children.

42 (p) "Virtual school" means any school or educational program that:  
43 (1) Is offered for credit; (2) uses distance-learning technologies which

1 predominately use internet-based methods to deliver instruction; (3)  
2 involves instruction that occurs asynchronously with the teacher and  
3 pupil in separate locations; (4) requires the pupil to make academic  
4 progress toward the next grade level and matriculation from kindergarten  
5 through high school graduation; (5) requires the pupil to demonstrate  
6 competence in subject matter for each class or subject in which the pupil  
7 is enrolled as part of the virtual school; and (6) requires age-appropriate  
8 pupils to complete state assessment tests.

9 (q) "Declining enrollment weighting" means an addend component  
10 assigned to enrollment of districts to which the provisions of K.S.A. 2010  
11 Supp. 72-6451, and amendments thereto, apply on the basis of reduced  
12 revenues attributable to the declining enrollment of the district.

13 (r) "High enrollment weighting" means an addend component  
14 assigned to enrollment of districts pursuant to K.S.A. 2010 Supp. 72-  
15 6442b, and amendments thereto, on the basis of costs attributable to  
16 maintenance of educational programs by such districts as a correlate to  
17 low enrollment weighting assigned to enrollment of districts pursuant to  
18 K.S.A. 72-6412, and amendments thereto.

19 (s) "High density at-risk pupil weighting" means an addend  
20 component assigned to enrollment of districts to which the provisions of  
21 K.S.A. 2010 Supp. 72-6455, and amendments thereto, apply.

22 ~~(t) "Nonproficient pupil" means a pupil who is not eligible for free  
23 meals under the national school lunch act and who has scored less than  
24 proficient on the mathematics or reading state assessment during the  
25 preceding school year and who is enrolled in a district which maintains an  
26 approved proficiency assistance plan.~~

27 ~~(u) "Nonproficient pupil weighting" means an addend component  
28 assigned to enrollment of districts on the basis of enrollment of  
29 nonproficient pupils pursuant to K.S.A. 2010 Supp. 72-6454, and  
30 amendments thereto.~~

31 ~~(v) (t) "Psychiatric residential treatment facility" has the meaning  
32 ascribed thereto by K.S.A. 72-8187, and amendments thereto.~~

33 ~~(w) (u) "Medium density at-risk pupil weighting" means an addend  
34 component assigned to enrollment of districts to which the provisions of  
35 K.S.A. 2010 Supp. 72-6459, and amendments thereto, apply.~~

36 Sec. 2. K.S.A. 2010 Supp. 72-6407 and 72-6454 are hereby  
37 repealed.

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