

**SENATE BILL No. 19**

By Legislative Educational Planning Committee

1-14

1 AN ACT concerning school districts; relating to school finance;  
2 amending K.S.A. 2010 Supp. 72-6407, 72-6433d and 74-4939a and  
3 repealing the existing sections.

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) The following shall be counted as one pupil:*

17 ~~(i) A pupil in attendance full time shall be counted as one pupil. ;~~  
18 *and*

19 ~~(ii) except as provided in subparagraph (B), a pupil enrolled in a~~  
20 ~~district and attending special education and related services, provided~~  
21 ~~for by the district.~~

22 *(B) The following shall be counted as 1/2 pupil:*

23 *(i) A pupil attending kindergarten;*

24 *(ii) a pupil enrolled in a district and attending special education and*  
25 *related services for preschool-aged exceptional children provided for by*  
26 *the district; and*

27 *(iii) a preschool-aged at-risk pupil enrolled in a district and*  
28 *receiving services under an approved at-risk pupil assistance plan*  
29 *maintained by the district.*

30 *(C) The following shall be counted as two pupils:*

31 *(i) A pupil in the custody of the secretary of social and rehabilitation*  
32 *services or in the custody of the commissioner of juvenile justice and*  
33 *enrolled in unified school district No. 259, Sedgwick county, Kansas, but*  
34 *housed, maintained, and receiving educational services at the Judge*  
35 *James V. Riddel Boys Ranch; and*

36 *(ii) 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. 409, Atchison, Kansas,*  
3 *but housed, maintained and receiving educational services at the youth*  
4 *residential center located on the grounds of the former Atchison juvenile*  
5 *correctional facility.*

6 (D) A pupil in attendance part time shall be counted as that  
7 proportion of one pupil (to the nearest 1/10) that the pupil's attendance  
8 bears to full-time attendance. ~~A pupil attending kindergarten shall be~~  
9 ~~counted as 1/2 pupil.~~

10 (E) A pupil enrolled in and attending an institution of postsecondary  
11 education which is authorized under the laws of this state to award  
12 academic degrees shall be counted as one pupil if the pupil's  
13 postsecondary education enrollment and attendance together with the  
14 pupil's attendance in either of the grades 11 or 12 is at least 5/6 time,  
15 otherwise the pupil shall be counted as that proportion of one pupil (to the  
16 nearest 1/10) that the total time of the pupil's postsecondary education  
17 attendance and attendance in grade 11 or 12, as applicable, bears to full-  
18 time attendance.

19 (F) A pupil enrolled in and attending an area vocational school, area  
20 vocational-technical school or approved vocational education program  
21 shall be counted as one pupil if the pupil's vocational education  
22 enrollment and attendance together with the pupil's attendance in any of  
23 grades nine through 12 is at least 5/6 time, otherwise the pupil shall be  
24 counted as that proportion of one pupil (to the nearest 1/10) that the total  
25 time of the pupil's vocational education attendance and attendance in any  
26 of grades nine through 12 bears to full-time attendance.

27 (G) A pupil enrolled in a district and attending a non-virtual school  
28 and also attending a virtual school shall be counted as that proportion of  
29 one pupil (to the nearest 1/10) that the pupil's attendance at the non-  
30 virtual school bears to full-time attendance.

31 ~~Except as provided by this section for preschool-aged exceptional~~  
32 ~~children and virtual school pupils, a pupil enrolled in a district and~~  
33 ~~attending special education and related services, provided for by the~~  
34 ~~district shall be counted as one pupil.~~

35 (H) A pupil enrolled in a district and attending special education and  
36 related services provided for by the district and also attending a virtual  
37 school shall be counted as that proportion of one pupil (to the nearest  
38 1/10) that the pupil's attendance at the non-virtual school bears to full-  
39 time attendance. ~~A pupil enrolled in a district and attending special~~  
40 ~~education and related services for preschool-aged exceptional children~~  
41 ~~provided for by the district shall be counted as 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 1/2 pupil. A pupil in the custody of the secretary of social and  
2 rehabilitation services or in the custody of the commissioner of juvenile  
3 justice and enrolled in unified school district No. 259, Sedgwick county,  
4 Kansas, but housed, maintained, and receiving educational services at the  
5 Judge James V. Riddel Boys Ranch, shall be counted as two pupils.  
6 Except as provided in section 1 of chapter 76 of the 2009 Session Laws  
7 of the state of Kansas, and amendments thereto, a pupil in the custody of  
8 the secretary of social and rehabilitation services or in the custody of the  
9 commissioner of juvenile justice and enrolled in unified school district  
10 No. 409, Atchison, Kansas, but housed, maintained and receiving  
11 educational services at the youth residential center located on the grounds  
12 of the former Atchison juvenile correctional facility, shall be counted as  
13 two pupils.

14 (3) *The following shall not be counted:*

15 (A) A pupil residing at the Flint Hills job corps center shall not be  
16 counted. ;

17 (B) *except as provided in paragraph (2), a pupil confined in and*  
18 *receiving educational services provided for by a district at a juvenile*  
19 *detention facility shall not be counted. ; and*

20 (C) *a pupil enrolled in a district but housed, maintained, and*  
21 *receiving educational services at a state institution or a psychiatric*  
22 *residential treatment facility shall not be counted. .*

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

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

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

34 (e) "Enrollment" means: (1) (A) Subject to the provisions of  
35 paragraph (1)(B), for districts scheduling the school days or school hours  
36 of the school term on a trimestral or quarterly basis, the number of pupils  
37 regularly enrolled in the district on September 20 plus the number of  
38 pupils regularly enrolled in the district on February 20 less the number of  
39 pupils regularly enrolled on February 20 who were counted in the  
40 enrollment of the district on September 20; and for districts not specified  
41 in this paragraph (1), the number of pupils regularly enrolled in the  
42 district on September 20; (B) a pupil who is a foreign exchange student  
43 shall not be counted unless such student is regularly enrolled in the

1 district on September 20 and attending kindergarten or any of the grades  
2 one through 12 maintained by the district for at least one semester or two  
3 quarters or the equivalent thereof;

4 (2) if enrollment in a district in any school year has decreased from  
5 enrollment in the preceding school year, enrollment of the district in the  
6 current school year means whichever is the greater of (A) enrollment in  
7 the preceding school year minus enrollment in such school year of  
8 preschool-aged at-risk pupils, if any such pupils were enrolled, plus  
9 enrollment in the current school year of preschool-aged at-risk pupils, if  
10 any such pupils are enrolled, or (B) the sum of enrollment in the current  
11 school year of preschool-aged at-risk pupils, if any such pupils are  
12 enrolled and the average (mean) of the sum of (i) enrollment of the  
13 district in the current school year minus enrollment in such school year of  
14 preschool-aged at-risk pupils, if any such pupils are enrolled and (ii)  
15 enrollment in the preceding school year minus enrollment in such school  
16 year of preschool-aged at-risk pupils, if any such pupils were enrolled  
17 and (iii) enrollment in the school year next preceding the preceding  
18 school year minus enrollment in such school year of preschool-aged at-  
19 risk pupils, if any such pupils were enrolled; or

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

22 (f) "Adjusted enrollment" means: (1) Enrollment adjusted by adding  
23 at-risk pupil weighting, program weighting, low enrollment weighting, if  
24 any, high density at-risk pupil weighting, if any, medium density at-risk  
25 pupil weighting, if any, nonproficient pupil weighting, if any, high  
26 enrollment weighting, if any, declining enrollment weighting, if any,  
27 school facilities weighting, if any, ancillary school facilities weighting, if  
28 any, cost of living weighting, if any, special education and related  
29 services weighting, *KPERS weighting* and transportation weighting to  
30 enrollment; or (2) adjusted enrollment as determined under K.S.A. 2010  
31 Supp. 72-6457 or 72-6458, and amendments thereto.

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

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

37 (i) "Low enrollment weighting" means an addend component  
38 assigned to enrollment of districts pursuant to K.S.A. 72-6412, and  
39 amendments thereto, on the basis of costs attributable to maintenance of  
40 educational programs by such districts in comparison with costs  
41 attributable to maintenance of educational programs by districts having to  
42 which high enrollment weighting is assigned pursuant to K.S.A. 2010  
43 Supp. 72-6442b, and amendments thereto.

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

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

7 (l) "Cost of living weighting" means an addend component assigned  
8 to enrollment of districts to which the provisions of K.S.A. 2010 Supp.  
9 72-6449, and amendments thereto, apply on the basis of costs attributable  
10 to the cost of living in the district.

11 (m) "Ancillary school facilities weighting" means an addend  
12 component assigned to enrollment of districts to which the provisions of  
13 K.S.A. 72-6441, and amendments thereto, apply on the basis of costs  
14 attributable to commencing operation of new school facilities. Ancillary  
15 school facilities weighting may be assigned to enrollment of a district  
16 only if the district has levied a tax under authority of K.S.A. 72-6441, and  
17 amendments thereto, and remitted the proceeds from such tax to the state  
18 treasurer. Ancillary school facilities weighting is in addition to  
19 assignment of school facilities weighting to enrollment of any district  
20 eligible for such weighting.

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

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

27 (p) "Virtual school" means any school or educational program that:  
28 (1) Is offered for credit; (2) uses distance-learning technologies which  
29 predominately use internet-based methods to deliver instruction; (3)  
30 involves instruction that occurs asynchronously with the teacher and  
31 pupil in separate locations; (4) requires the pupil to make academic  
32 progress toward the next grade level and matriculation from kindergarten  
33 through high school graduation; (5) requires the pupil to demonstrate  
34 competence in subject matter for each class or subject in which the pupil  
35 is enrolled as part of the virtual school; and (6) requires age-appropriate  
36 pupils to complete state assessment tests.

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

41 (r) "High enrollment weighting" means an addend component  
42 assigned to enrollment of districts pursuant to K.S.A. 2010 Supp. 72-  
43 6442b, and amendments thereto, on the basis of costs attributable to

1 maintenance of educational programs by such districts as a correlate to  
2 low enrollment weighting assigned to enrollment of districts pursuant to  
3 K.S.A. 72-6412, and amendments thereto.

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

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

12 (u) "Nonproficient pupil weighting" means an addend component  
13 assigned to enrollment of districts on the basis of enrollment of  
14 nonproficient pupils pursuant to K.S.A. 2010 Supp. 72-6454, and  
15 amendments thereto.

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

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

21 (x) *"KPERS weighting" means an addend component assigned to*  
22 *enrollment of districts on the basis of costs attributable to school*  
23 *districts' employer contributions to the Kansas public employees*  
24 *retirement system.*

25 Sec. 2. K.S.A. 2010 Supp. 72-6433d is hereby amended to read as  
26 follows: 72-6433d. (a) (1) The provisions of this subsection shall apply in  
27 any school year in which the amount of base state aid per pupil is \$4,433  
28 or less.

29 (2) The board of any school district may adopt a local option budget  
30 which does not exceed the local option budget calculated as if the base  
31 state aid per pupil was \$4,433 or which does not exceed an amount as  
32 authorized by K.S.A. 72-6433, and amendments thereto, whichever is  
33 greater.

34 (b) (1) The provisions of this subsection shall apply in any school  
35 year in which the amount appropriated for state aid for special education  
36 and related services is less than the amount appropriated for state aid for  
37 special education and related services in school year 2008-2009.

38 (2) The board of education of any school district may adopt a local  
39 option budget which does not exceed the local option budget calculated  
40 as if the district received state aid for special education and related  
41 services equal to the amount of state aid for special education and related  
42 services received in school year 2008-2009, or which does not exceed an  
43 amount as authorized by K.S.A. 72-6433, and amendments thereto,

1 whichever is greater.

2 (c) The board of education of any school district may exercise the  
3 authority granted under subsection (a) or (b) or both subsections (a) and  
4 (b).

5 (d) To the extent that the provisions of K.S.A. 72-6433, and  
6 amendments thereto, conflict with this section, this section shall control.

7 (e) The provisions of this section shall expire on June 30, 2012.

8 (f) *The local option budget of a school district adopting a local*  
9 *option budget under this section shall be determined as follows:*

10 (1) *Determine the adjusted enrollment of the school district,*  
11 *excluding special education weighting;*

12 (2) *multiply the number determined under paragraph (1) by \$4,433;*

13 (3) *add the amount of state aid for special education or related*  
14 *services received by the school district in school year 2009-2010 to the*  
15 *product obtained under paragraph (2);*

16 (4) *add the amount disbursed to the school district in the current*  
17 *school year under K.S.A. 2010 Supp. 74-4939a, and amendments thereto;*  
18 *and*

19 (5) *multiply the sum obtained under paragraph (4) by the*  
20 *percentage of the state financial aid stated in the local option budget*  
21 *resolution adopted by the board of education. The resulting product is*  
22 *the local option budget of the school district.*

23 Sec. 3. K.S.A. 2010 Supp. 74-4939a is hereby amended to read as  
24 follows: 74-4939a. On and after the effective date of this act for each  
25 fiscal year commencing with fiscal year 2005, notwithstanding the  
26 provisions of K.S.A. 74-4939, and amendments thereto, or any other  
27 statute, all moneys appropriated for the department of education from the  
28 state general fund commencing with fiscal year 2005, and each ensuing  
29 fiscal year thereafter, by appropriation act of the legislature, in the  
30 KPERS — employer contributions account and all moneys appropriated  
31 for the department of education from the state general fund or any special  
32 revenue fund for each fiscal year commencing with fiscal year 2005, and  
33 each ensuing fiscal year thereafter, by any such appropriation act in that  
34 account or any other account for payment of employer contributions for  
35 school districts, shall be distributed by the department of education to  
36 school districts in accordance with this section. Notwithstanding the  
37 provisions of K.S.A. 74-4939, and amendments thereto, the department  
38 of education shall disburse to each school district that is an eligible  
39 employer as specified in subsection (1) of K.S.A. 74-4931, and  
40 amendments thereto, an amount certified by the board of trustees of the  
41 Kansas public employees retirement system which is equal to the  
42 participating employer's obligation of such school district to the system in  
43 accordance with policies and procedures which are hereby authorized and

1 directed to be adopted by the department of education for the purposes of  
2 this section and in accordance with any requirements prescribed by the  
3 board of trustees of the Kansas public employees retirement system.  
4 Upon receipt of each such disbursement of moneys, the school district  
5 shall deposit the entire amount thereof into ~~a~~ *the general fund of the*  
6 *school district and transfer an equal amount to the* special retirement  
7 contributions fund of the school district, which shall be established by the  
8 school district in accordance with such policies and procedures and which  
9 shall be used for the sole purpose of receiving such disbursements from  
10 the department of education and making the remittances to the system in  
11 accordance with this section and such policies and procedures. Upon  
12 receipt of each such disbursement of moneys from the department of  
13 education, the school district shall remit, in accordance with the  
14 provisions of such policies and procedures and in the manner and on the  
15 date or dates prescribed by the board of trustees of the Kansas public  
16 employees retirement system, an equal amount to the Kansas public  
17 employees retirement system from the special retirement contributions  
18 fund of the school district to satisfy such school district's obligation as a  
19 participating employer. Notwithstanding the provisions of K.S.A. 74-  
20 4939, and amendments thereto, each school district that is an eligible  
21 employer as specified in subsection (1) of K.S.A. 74-4931, and  
22 amendments thereto, shall show within the budget of such school district  
23 all amounts received from disbursements into the special retirement  
24 contributions fund of such school district. Notwithstanding the provisions  
25 of any other statute, no official action of the school board of such school  
26 district shall be required to approve a remittance to the system in  
27 accordance with this section and such policies and procedures. All  
28 remittances of moneys to the system by a school district in accordance  
29 with this subsection and such policies and procedures shall be deemed to  
30 be expenditures of the school district.

31 Sec. 4. K.S.A. 2010 Supp. 72-6407, 72-6433d and 74-4939a are  
32 hereby repealed.

33 Sec. 5. This act shall take effect and be in force from and after its  
34 publication in the statute book.