

HOUSE BILL No. 2233

By Representative Aurand

2-8

1 AN ACT concerning school districts; relating to school finance and
2 certain weightings; amending K.S.A. 2010 Supp. 72-6407, 72-6412,
3 72-6413, 72-6414, 72-6455 and 72-6459 and repealing the existing
4 sections; also repealing K.S.A. 2010 Supp. 72-6442b.

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

7 Section 1. K.S.A. 2010 Supp. 72-6407 is hereby amended to read as
8 follows: 72-6407. (a) (1) "Pupil" means any person who is regularly
9 enrolled in a district and attending kindergarten or any of the grades one
10 through 12 maintained by the district or who is regularly enrolled in a
11 district and attending kindergarten or any of the grades one through 12 in
12 another district in accordance with an agreement entered into under
13 authority of K.S.A. 72-8233, and amendments thereto, or who is regularly
14 enrolled in a district and attending special education services provided for
15 preschool-aged exceptional children by the district.

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. A
20 pupil attending kindergarten shall be counted as $\frac{1}{2}$ pupil. A pupil enrolled
21 in and attending an institution of postsecondary education which is
22 authorized under the laws of this state to award academic degrees shall be
23 counted as one pupil if the pupil's postsecondary education enrollment
24 and attendance together with the pupil's attendance in either of the grades
25 11 or 12 is at least $\frac{5}{6}$ time, otherwise the pupil shall be counted as that
26 proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil's
27 postsecondary education attendance and attendance in grade 11 or 12, as
28 applicable, bears to full-time attendance. A pupil enrolled in and attending
29 an area vocational school, area vocational-technical school or approved
30 vocational education program shall be counted as one pupil if the pupil's
31 vocational education enrollment and attendance together with the pupil's
32 attendance in any of grades nine through 12 is at least $\frac{5}{6}$ time, otherwise
33 the pupil shall be counted as that proportion of one pupil (to the nearest
34 $\frac{1}{10}$) that the total time of the pupil's vocational education attendance and
35 attendance in any of grades nine through 12 bears to full-time attendance.
36 A pupil enrolled in a district and attending a nonvirtual school and also

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

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

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

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

40 (d) "Preschool-aged at-risk pupil" means an at-risk pupil who has
41 attained the age of four years, is under the age of eligibility for attendance
42 at kindergarten, and has been selected by the state board in accordance
43 with guidelines consonant with guidelines governing the selection of

1 pupils for participation in head start programs.

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

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

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

33 (f) "Adjusted enrollment" means: (1) Enrollment adjusted by adding
34 at-risk pupil weighting, program weighting, low enrollment weighting, if
35 any, high density at-risk pupil weighting, if any, medium density at-risk
36 pupil weighting, if any, nonproficient pupil weighting, if any, high
37 enrollment weighting, if any, declining enrollment weighting, if any,
38 school facilities weighting, if any, ancillary school facilities weighting, if
39 any, cost of living weighting, if any, special education and related
40 services weighting, and transportation weighting to enrollment; or (2)
41 adjusted enrollment as determined under K.S.A. 2010 Supp. 72-6457 or
42 72-6458, and amendments thereto.

43 (g) "At-risk pupil weighting" means an addend component assigned

1 to enrollment of districts on the basis of enrollment of at-risk pupils.

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

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

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

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

18 (l) "Cost of living weighting" means an addend component assigned
19 to enrollment of districts to which the provisions of K.S.A. 2010 Supp.
20 72-6449, and amendments thereto, apply on the basis of costs attributable
21 to the cost of living in the district.

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

32 (n) "Juvenile detention facility" has the meaning ascribed thereto by
33 72-8187, and amendments thereto.

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

38 (p) "Virtual school" means any school or educational program that:
39 (1) Is offered for credit; (2) uses distance-learning technologies which
40 predominately use internet-based methods to deliver instruction; (3)
41 involves instruction that occurs asynchronously with the teacher and
42 pupil in separate locations; (4) requires the pupil to make academic
43 progress toward the next grade level and matriculation from kindergarten

1 through high school graduation; (5) requires the pupil to demonstrate
2 competence in subject matter for each class or subject in which the pupil
3 is enrolled as part of the virtual school; and (6) requires age-appropriate
4 pupils to complete state assessment tests.

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

9 ~~(r) "High enrollment weighting" means an addend component~~
10 ~~assigned to enrollment of districts pursuant to K.S.A. 2010 Supp. 72-~~
11 ~~6442b, and amendments thereto, on the basis of costs attributable to~~
12 ~~maintenance of educational programs by such districts as a correlate to~~
13 ~~low enrollment weighting assigned to enrollment of districts pursuant to~~
14 ~~K.S.A. 72-6412, and amendments thereto.~~

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

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

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

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

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

32 Sec. 2. K.S.A. 2010 Supp. 72-6412 is hereby amended to read as
33 follows: 72-6412. (a) The low enrollment weighting shall be determined
34 by the state board as provided by this section.

35 ~~(b) For districts with enrollment of 1,637 or more in school year~~
36 ~~2006-2007, and 1,622 or more in school year 2007-2008 and each school~~
37 ~~year thereafter, the low enrollment weighting shall be 0.~~

38 ~~(c) For districts with enrollment of less than 100, the low enrollment~~
39 ~~weighting shall be equal to the low enrollment weighting of a district with~~
40 ~~enrollment of 100.~~

41 ~~(d) For districts with enrollment of less than 1,637 in school year~~
42 ~~2006-2007 and less than 1,622 in school year 2007-2008 and each school~~
43 ~~year thereafter and more than 99, the low enrollment weighting shall be~~

1 determined by the state board as follows:

2 ~~(1) Determine the low enrollment weighting for such districts for~~
 3 ~~school year 2004-2005;~~

4 ~~(2) multiply the low enrollment weighting of each district~~
 5 ~~determined under paragraph (1) by 3,863;~~

6 ~~(3) add 3,863 to the product obtained under paragraph (2);~~

7 ~~(4) divide the product obtained under paragraph (3) by 4,107; and~~

8 ~~(5) subtract 1 from the product obtained under paragraph (4). The~~
 9 ~~difference shall be the low enrollment weighting of the district.~~

10 *(b) For districts with an enrollment of 1,622 or more in school year*
 11 *2011-2012 and each school year thereafter, the low enrollment weighting*
 12 *shall be 0.*

13 *(c) For districts with an enrollment of 300 in school year 2011-2012*
 14 *and each school year thereafter, the low enrollment weighting shall be .*
 15 *433939.*

16 *(d) For districts with an enrollment of 100 or less in school year*
 17 *2011-2012 and each school year thereafter, the low enrollment weighting*
 18 *shall be .946138.*

19 *(e) For districts with an enrollment of more than 300, but less than*
 20 *1,622 in school year 2011-2012 and each school year thereafter, the low*
 21 *enrollment weighting shall be determined by the state board based on a*
 22 *linear transition between the low enrollment weighting of districts in*
 23 *subsection (b) and the low enrollment weighting of districts in subsection*
 24 *(c).*

25 *(f) For districts with an enrollment of more than 100, but less than*
 26 *300 in school year 2011-2012 and each school year thereafter, the low*
 27 *enrollment weighting shall be determined by the state board based on a*
 28 *linear transition between the low enrollment weighting of districts in*
 29 *subsection (c) and the low enrollment weighting of districts in subsection*
 30 *(d).*

31 Sec. 3. K.S.A. 2010 Supp. 72-6413 is hereby amended to read as
 32 follows: 72-6413. (a) The program weighting of each district shall be
 33 determined by the state board as follows:

34 (1) Compute full-time equivalent enrollment in programs of
 35 bilingual education and multiply the computed enrollment by ~~.395~~ *.3812*
 36 *for school year 2011-2012 and each school year thereafter;*

37 (2) compute full-time equivalent enrollment in approved vocational
 38 education programs and multiply the computed enrollment by ~~0.5~~ *.4825*
 39 *for school year 2011-2012 and each school year thereafter;*

40 (3) add the products obtained under *paragraphs* (1) and (2). The
 41 *resulting* sum is the program weighting of the district.

42 (b) A school district may expend amounts received from the
 43 bilingual weighting to pay the cost of providing at-risk and preschool-

1 aged at-risk education programs and services.

2 Sec. 4. K.S.A. 2010 Supp. 72-6414 is hereby amended to read as
3 follows: 72-6414. (a) The at-risk pupil weighting of each district shall be
4 determined by the state board by multiplying the number of at-risk pupils
5 included in enrollment of the district by ~~.278 for school year 2006-2007,~~
6 ~~by .378 for school year 2007-2008 and by .456 for school year 2008-2009~~
7 *.44 for school year 2011-2012* and each school year thereafter. The
8 *resulting* product is the at-risk pupil weighting of the district.

9 (b) Except as provided in subsection (d), of the amount a district
10 receives from the at-risk pupil weighting, an amount produced by a pupil
11 weighting of .01 shall be used by the district for achieving mastery of
12 basic reading skills by completion of the third grade in accordance with
13 standards and outcomes of mastery identified by the state board under
14 K.S.A. 72-7534, and amendments thereto.

15 (c) A district shall include such information in its at-risk pupil
16 assistance plan as the state board may require regarding the district's
17 remediation strategies and the results thereof in achieving the third grade
18 reading standards and outcomes of mastery identified by the state board.
19 The reporting requirements shall include information documenting
20 remediation strategies and improvement made by pupils who performed
21 below the expected standard on the second grade diagnostic reading test
22 prescribed by the state board.

23 (d) A district whose pupils substantially achieve the state board
24 standards and outcomes of mastery of reading skills upon completion of
25 third grade may be released, upon request, by the state board from the
26 requirements of subsection (b).

27 (e) (1) A district may expend amounts received from the at-risk
28 pupil weighting to pay for the cost of providing full-day kindergarten to
29 any pupil enrolled in the district and attending full-day kindergarten
30 whether or not such pupil is an at-risk pupil.

31 (2) Nothing in this subsection shall be construed as requiring school
32 districts to provide full-day kindergarten nor as requiring any pupil to
33 attend full-day kindergarten.

34 (3) As used in this subsection (e):

35 (A) "District" means any school district which offers both full-day
36 and half-day kindergarten.

37 (B) "Cost" means that portion of the cost of providing full-day
38 kindergarten which is not paid by the state.

39 (f) A school district may expend amounts received from the at-risk
40 weighting to pay the cost of providing preschool-aged at-risk, bilingual
41 and vocational education programs and services.

42 Sec. 5. K.S.A. 2010 Supp. 72-6455 is hereby amended to read as
43 follows: 72-6455. (a) As used in this section, school district means any

1 district having: (1) An enrollment of at least 50% at-risk pupils; or (2) an
2 enrollment of at least 35.1% at-risk pupils and an enrollment density of at
3 least 212.1 pupils per square mile.

4 (b) The high density at-risk pupil weighting of each school district
5 shall be determined by the state board by multiplying the number of at-
6 risk pupils by ~~+.0965~~ *in school year 2011-2012 and each school year*
7 *thereafter*. The *resulting* product is the high density at-risk pupil
8 weighting of the district.

9 (c) If a school district becomes ineligible for high density at-risk
10 pupil weighting because enrollment of at-risk pupils in the district falls
11 below the requirements of subsection (a), the high density at-risk pupil
12 weighting of the district shall be the greater of: (1) The high density at-
13 risk pupil weighting in the current school year; (2) the high density at-risk
14 pupil weighting in the prior school year; or (3) the average of the high
15 density at-risk pupil weighting in the current school year and the
16 preceding two school years.

17 The provisions of this subsection shall expire on June 30, 2011.

18 Sec. 6. K.S.A. 2010 Supp. 72-6459 is hereby amended to read as
19 follows: 72-6459. (a) As used in this section, "school district" means any
20 district having an enrollment of at least 40% but less than 50% at-risk
21 pupils.

22 (b) The medium density at-risk pupil weighting of each school
23 district shall be determined by the state board by multiplying the number
24 of at-risk pupils by ~~+.0579~~ *in school year 2011-2012 and each school*
25 *year thereafter*. The *resulting* product is the medium density at-risk pupil
26 weighting of the district.

27 (c) If a school district becomes ineligible for medium density at-risk
28 pupil weighting because enrollment of at-risk pupils in the district falls
29 below the requirement of subsection (a), the medium density at-risk pupil
30 weighting of the district shall be the greater of: (1) The medium density
31 at-risk pupil weighting in the current school year; (2) the medium density
32 at-risk pupil weighting in the prior school year; or (3) the average of the
33 medium density at-risk pupil weighting in the current school year and the
34 preceding two school years.

35 ~~The provisions of this subsection shall expire on June 30, 2011.~~

36 Sec. 7. K.S.A. 2010 Supp. 72-6407, 72-6412, 72-6413, 72-6414, 72-
37 6442b, 72-6455 and 72-6459 are hereby repealed.

38 Sec. 8. This act shall take effect and be in force from and after its
39 publication in the statute book.