

## HOUSE BILL No. 2759

By Legislative Educational Planning Committee

2-4

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AN ACT concerning school district finance; relating to juvenile detention facilities; amending K.S.A. 2001 Supp. 72-6407, 72-6430 and 72-8187 and repealing the existing sections.

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

Section 1. K.S.A. 2001 Supp. 72-6407 is hereby amended to read as follows: 72-6407. (a) "Pupil" means any person who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 maintained by the district or who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 in another district in accordance with an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto, or who is regularly enrolled in a district and attending special education services provided for preschool-aged exceptional children by the district. Except as otherwise provided in this subsection, a pupil in attendance full time shall be counted as one pupil. A pupil in attendance part time shall be counted as that proportion of one pupil (to the nearest  $\frac{1}{10}$ ) that the pupil's attendance bears to full-time attendance. A pupil attending kindergarten shall be counted as  $\frac{1}{2}$  pupil. A pupil enrolled in and attending an institution of postsecondary education which is authorized under the laws of this state to award academic degrees shall be counted as one pupil if the pupil's postsecondary education enrollment and attendance together with the pupil's attendance in either of the grades 11 or 12 is at least  $\frac{5}{6}$  time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest  $\frac{1}{10}$ ) that the total time of the pupil's postsecondary education attendance and attendance in grade 11 or 12, as applicable, bears to full-time attendance. A pupil enrolled in and attending an area vocational school, area vocational-technical school or approved vocational education program shall be counted as one pupil if the pupil's vocational education enrollment and attendance together with the pupil's attendance in any of grades nine through 12 is at least  $\frac{5}{6}$  time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest  $\frac{1}{10}$ ) that the total time of the pupil's vocational education attendance and attendance in any of grades nine through 12 bears to full-time attendance. A pupil enrolled in a district and attending special education and related services, except special

1 education and related services for preschool-aged exceptional children,  
2 provided for by the district shall be counted as one pupil. A pupil enrolled  
3 in a district and attending special education and related services for pre-  
4 school-aged exceptional children provided for by the district shall be  
5 counted as  $\frac{1}{2}$  pupil. A preschool-aged at-risk pupil enrolled in a district  
6 and receiving services under an approved at-risk pupil assistance plan  
7 maintained by the district shall be counted as  $\frac{1}{2}$  pupil. A pupil in the  
8 custody of the secretary of social and rehabilitation services and enrolled  
9 in unified school district No. 259, Sedgwick county, Kansas, but housed,  
10 maintained, and receiving educational services at the Judge James V. Rid-  
11 del Boys Ranch, shall be counted as two pupils. A pupil residing at the  
12 Flint Hills job corps center shall not be counted. A pupil confined in and  
13 receiving educational services provided for by a district at a juvenile de-  
14 tention facility shall not be counted. A pupil enrolled in a district but  
15 housed, maintained, and receiving educational services at a state institu-  
16 tion shall not be counted.

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

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

23 (d) "Preschool-aged at-risk pupil" means an at-risk pupil who has  
24 attained the age of four years, is under the age of eligibility for attendance  
25 at kindergarten, and has been selected by the state board in accordance  
26 with guidelines consonant with guidelines governing the selection of pu-  
27 pils for participation in head start programs. The state board shall select  
28 not more than 3,756 preschool-aged at-risk pupils to be counted in the  
29 2001-02 school year and not more than 5,500 preschool-aged at-risk pu-  
30 pils to be counted in any school year thereafter.

31 (e) "Enrollment" means, for districts scheduling the school days or  
32 school hours of the school term on a trimestral or quarterly basis, the  
33 number of pupils regularly enrolled in the district on September 20 plus  
34 the number of pupils regularly enrolled in the district on February 20  
35 less the number of pupils regularly enrolled on February 20 who were  
36 counted in the enrollment of the district on September 20; and for dis-  
37 tricts not hereinbefore specified, the number of pupils regularly enrolled  
38 in the district on September 20. Notwithstanding the foregoing, if en-  
39 rollment in a district in any school year has decreased from enrollment  
40 in the preceding school year, enrollment of the district in the current  
41 school year means whichever is the greater of (1) enrollment in the pre-  
42 ceding school year minus enrollment in such school year of preschool-  
43 aged at-risk pupils, if any such pupils were enrolled, plus enrollment in

1 the current school year of preschool-aged at-risk pupils, if any such pupils  
2 are enrolled, or (2) the sum of enrollment in the current school year of  
3 preschool-aged at-risk pupils, if any such pupils are enrolled and the av-  
4 erage (mean) of the sum of (A) enrollment of the district in the current  
5 school year minus enrollment in such school year of preschool-aged at-  
6 risk pupils, if any such pupils are enrolled and (B) enrollment in the  
7 preceding school year minus enrollment in such school year of preschool-  
8 aged at-risk pupils, if any such pupils were enrolled and (C) enrollment  
9 in the school year next preceding the preceding school year minus en-  
10 rollment in such school year of preschool-aged at-risk pupils, if any such  
11 pupils were enrolled.

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

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

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

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

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

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

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

43 (m) "Ancillary school facilities weighting" means an addend compo-

1 nent assigned to enrollment of districts to which the provisions of K.S.A.  
2 2001 Supp. 72-6441, and amendments thereto, apply on the basis of costs  
3 attributable to commencing operation of new school facilities. Ancillary  
4 school facilities weighting may be assigned to enrollment of a district only  
5 if the district has levied a tax under authority of K.S.A. 2001 Supp. 72-  
6 6441, and amendments thereto, and remitted the proceeds from such tax  
7 to the state treasurer. Ancillary school facilities weighting is in addition  
8 to assignment of school facilities weighting to enrollment of any district  
9 eligible for such weighting.

10 (n) “Juvenile detention facility” means ~~any community juvenile cor-~~  
11 ~~rections center or facility;~~

12 (1) *Any secure public or private facility which is used for the lawful*  
13 *custody of accused or adjudicated juvenile offenders and which shall not*  
14 *be a jail;*

15 (2) *any level VI treatment facility licensed by Kansas department of*  
16 *health and environment which is a psychiatric residential treatment fa-*  
17 *ility for individuals under the age of 21 which conforms with the regu-*  
18 *lations of the centers for medicare/medicaid services and the joint com-*  
19 *mission on accreditation of health care organizations governing such*  
20 *facilities; and*

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

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

32 Sec. 2. K.S.A. 2001 Supp. 72-6430 is hereby amended to read as  
33 follows: 72-6430. Expenditures of a district for the following purposes are  
34 not operating expenses:

35 (a) Payments to another district in an adjustment of rights as provided  
36 in K.S.A. 72-6776, and amendments thereto, or upon transfer of territory  
37 as provided in K.S.A. 72-7105, 72-7106 or 72-7107, and amendments to  
38 such sections, if paid from any fund other than the general fund.

39 (b) Payments to another district under K.S.A. 72-7105a, and amend-  
40 ments thereto.

41 (c) The maintenance of student activities which are reimbursed.

42 (d) Expenditures from any lawfully authorized fund of a district other  
43 than its general fund.

1 (e) The provision of educational services for pupils residing at the  
2 Flint Hills job corps center or for pupils confined in a juvenile detention  
3 facility for which the district is reimbursed by a grant of state moneys as  
4 provided in K.S.A. 2001 Supp. 72-8187, and amendments thereto. As  
5 used in this subsection, the term juvenile detention facility ~~means any~~  
6 ~~community juvenile corrections center or facility, the Forbes Juvenile~~  
7 ~~Attention Facility, the Sappa Valley Youth Ranch of Oberlin, Salvation~~  
8 ~~Army/Koch Center Youth Services, the Clarence M. Kelley Youth Center,~~  
9 ~~the Clarence M. Kelley Transitional Living Center, Trego County Secure~~  
10 ~~Care Center, St. Francis Academy at Atchison, St. Francis Academy at~~  
11 ~~Ellsworth, St. Francis Academy at Salina, St. Francis Center at Salina,~~  
12 ~~King's Achievement Center, and Liberty Juvenile Services and Treatment~~  
13 *shall have the meaning ascribed thereto by K.S.A. 72-6407, and amend-*  
14 *ments thereto.*

15 (f) Programs financed in part or in whole by federal funds which may  
16 be expended although not included in the budget of the district, excepting  
17 funds received under the provisions of title I of public law 874 (but not  
18 including in such exception amounts received for assistance in cases of  
19 major disaster and amounts received under the low-rent housing pro-  
20 gram), to the extent of the federal funds to be provided.

21 Sec. 3. K.S.A. 2001 Supp. 72-8187 is hereby amended to read as  
22 follows: 72-8187. (a) In each school year, to the extent that appropriations  
23 are available, each school district which has provided educational services  
24 for pupils residing at the Flint Hills job corps center or for pupils confined  
25 in a juvenile detention facility is eligible to receive a grant of state moneys  
26 in an amount to be determined by the state board of education.

27 (b) In order to be eligible for a grant of state moneys provided for by  
28 this section, each school district which has provided educational services  
29 for pupils residing at the Flint Hills job corps center or for pupils confined  
30 in a juvenile detention facility shall submit to the state board of education  
31 an application for a grant and shall certify the amount expended, and not  
32 reimbursed or otherwise financed, in the school year for the services  
33 provided. The application and certification shall be prepared in such form  
34 and manner as the state board shall require and shall be submitted at a  
35 time to be determined and specified by the state board. Approval by the  
36 state board of applications for grants of state moneys is prerequisite to  
37 the award of grants.

38 (c) Each school district which is awarded a grant under this section  
39 shall make such periodic and special reports of statistical and financial  
40 information to the state board as it may request.

41 (d) All moneys received by a school district under authority of this  
42 section shall be deposited in the general fund of the school district and  
43 shall be considered reimbursement of the district for the purpose of the

1 school district finance and quality performance act.

2 (e) The state board of education shall approve applications of school  
3 districts for grants, determine the amount of grants and be responsible  
4 for payment of grants to school districts. In determining the amount of a  
5 grant which a school district is eligible to receive, the state board shall  
6 compute the amount of state financial aid the district would have received  
7 on the basis of enrollment of pupils residing at the Flint Hills job corps  
8 center or confined in a juvenile detention facility if such pupils had been  
9 counted as two pupils under the school district finance and quality per-  
10 formance act and compare such computed amount to the amount certi-  
11 fied by the district under subsection (b). The amount of the grant the  
12 district is eligible to receive shall be an amount equal to the lesser of the  
13 amount computed under this subsection or the amount certified under  
14 subsection (b). If the amount of appropriations for the payment of grants  
15 under this section is insufficient to pay in full the amount each school  
16 district is determined to be eligible to receive for the school year, the  
17 state board shall prorate the amount appropriated among all school dis-  
18 tricts which are eligible to receive grants of state moneys in proportion  
19 to the amount each school district is determined to be eligible to receive.

20 (f) As used in this section:

21 (1) "Enrollment" means the number of pupils who are residing at the  
22 Flint Hills job corps center or who are confined in a juvenile detention  
23 facility and for whom a school district is providing educational services  
24 on September 20, on November 20, or on April 20 of a school year,  
25 whichever is the greatest number of pupils; and

26 (2) "~~juvenile detention facility~~" ~~means any community juvenile cor-~~  
27 ~~rections center or facility, the Forbes Juvenile Attention Facility, the~~  
28 ~~Sappa Valley Youth Ranch of Oberlin, Salvation Army/Koch Center Youth~~  
29 ~~Services, the Clarence M. Kelley Youth Center, the Clarence M. Kelley~~  
30 ~~Transitional Living Center, Trego County Secure Care Center, St. Fran-~~  
31 ~~cis Academy at Atchison, St. Francis Academy at Ellsworth, St. Francis~~  
32 ~~Academy at Salina, St. Francis Center at Salina, King's Achievement Cen-~~  
33 ~~ter, and Liberty Juvenile Services and Treatment shall have the meaning~~  
34 ~~ascribed thereto by K.S.A. 72-6407, and amendments thereto.~~

35 Sec. 4. K.S.A. 2001 Supp. 72-6407, 72-6430 and 72-8187 are hereby  
36 repealed.

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

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