

## HOUSE BILL No. 2906

By Representative Tanner

2-13

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AN ACT concerning school district finance, relating to special education and related services weighting; amending K.S.A. 2001 Supp. 72-979, 72-983, 72-6407, 72-6410 and 72-6420 and repealing the existing sections; also repealing K.S.A. 2001 Supp. 72-979a and 72-6446.

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

Section 1. K.S.A. 2001 Supp. 72-979 is hereby amended to read as follows: 72-979. (a) Payments under this act shall be made in the manner and at such times during each school year as are determined by the state board. ~~All amounts received by a district under this section shall be deposited in the general fund of the district and transferred to its special education fund.~~ If any district is paid more than it is entitled to receive under any distribution made under this act, the state board shall notify the district of the amount of such overpayment, and such district shall remit the same to the state board. The state board shall remit any moneys so received to the state treasurer, ~~and in accordance with the provisions of K.S.A. 75-4215, and amendments thereto.~~ Upon receipt of each such remittance, the state treasurer shall deposit the ~~same entire amount~~ in the state treasury to the credit of the *state* general fund. If any such district fails so to remit, the state board shall deduct the excess amounts so paid from future payments becoming due to such district. If any district is paid less than the amount to which it is entitled under any distribution made under this act, the state board shall pay the additional amount due at any time within the school year in which the underpayment was made or within 60 days after the end of such school year.

(b) The state board shall prescribe all forms necessary for reporting under this act.

(c) Every board shall make such periodic and special reports of information to the state board as it may request in order to carry out its responsibilities under this act.

Sec. 2. K.S.A. 2001 Supp. 72-983 is hereby amended to read as follows: 72-983. (a) In each school year, to the extent that appropriations are available, each school district which has provided special education or related services for an exceptional child whose IEP provides for services which cost in excess of \$25,000 for the school year is eligible to

1 receive a grant of state moneys in an amount equal to 75% of that portion  
2 of the costs, incurred by the district in the provision of special education  
3 or related services for the child, that is in excess of \$25,000.

4 (b) In order to be eligible for a grant of state moneys provided for by  
5 subsection (a), a school district shall submit to the state board of education  
6 an application for a grant, a description of the special education or related  
7 services provided, and the name or names of the child or children for  
8 whom provided. The application and description shall be prepared in such  
9 form and manner as the state board shall require and shall be submitted  
10 at a time to be determined and specified by the state board. Approval by  
11 the state board of applications for grants of state moneys is prerequisite  
12 to the award of grants.

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

16 (d) All moneys received by a school district under authority of this  
17 section shall be deposited in the ~~general fund of the school district and~~  
18 ~~transferred to its~~ special education fund *of the district*.

19 (e) The state board of education shall:

20 (1) Prescribe and adopt criteria for identification and determination  
21 of excessive costs attributable to the provision of special education and  
22 related services for which an application for a grant of state moneys may  
23 be made under this section;

24 (2) approve applications of school districts for grants;

25 (3) determine the amount of grants and be responsible for payment  
26 of such grants to school districts; and

27 (4) prescribe all forms necessary for reporting under this section.

28 (f) If the amount of appropriations for the payment of grants under  
29 this section is insufficient to pay in full the amount each school district is  
30 determined to be eligible to receive for the school year, the state board  
31 shall prorate the amount appropriated among all school districts which  
32 are eligible to receive grants of state moneys in proportion to the amount  
33 each school district is determined to be eligible to receive.

34 Sec. 3. K.S.A. 2001 Supp. 72-6407 is hereby amended to read as  
35 follows: 72-6407. (a) "Pupil" means any person who is regularly enrolled  
36 in a district and attending kindergarten or any of the grades one through  
37 12 maintained by the district or who is regularly enrolled in a district and  
38 attending kindergarten or any of the grades one through 12 in another  
39 district in accordance with an agreement entered into under authority of  
40 K.S.A. 72-8233, and amendments thereto, or who is regularly enrolled in  
41 a district and attending special education services provided for preschool-  
42 aged exceptional children by the district. Except as otherwise provided  
43 in this subsection, a pupil in attendance full time shall be counted as one

1 pupil. A pupil in attendance part time shall be counted as that proportion  
2 of one pupil (to the nearest  $\frac{1}{10}$ ) that the pupil's attendance bears to full-  
3 time attendance. A pupil attending kindergarten shall be counted as  $\frac{1}{2}$   
4 pupil. A pupil enrolled in and attending an institution of postsecondary  
5 education which is authorized under the laws of this state to award aca-  
6 demic degrees shall be counted as one pupil if the pupil's postsecondary  
7 education enrollment and attendance together with the pupil's attend-  
8 ance in either of the grades 11 or 12 is at least  $\frac{5}{6}$  time, otherwise the  
9 pupil shall be counted as that proportion of one pupil (to the nearest  $\frac{1}{10}$ )  
10 that the total time of the pupil's postsecondary education attendance and  
11 attendance in grade 11 or 12, as applicable, bears to full-time attendance.  
12 A pupil enrolled in and attending an area vocational school, area voca-  
13 tional-technical school or approved vocational education program shall be  
14 counted as one pupil if the pupil's vocational education enrollment and  
15 attendance together with the pupil's attendance in any of grades nine  
16 through 12 is at least  $\frac{5}{6}$  time, otherwise the pupil shall be counted as that  
17 proportion of one pupil (to the nearest  $\frac{1}{10}$ ) that the total time of the  
18 pupil's vocational education attendance and attendance in any of grades  
19 nine through 12 bears to full-time attendance. A pupil enrolled in a dis-  
20 trict and attending special education and related services, except special  
21 education and related services for preschool-aged exceptional children,  
22 provided for by the district shall be counted as one pupil. A pupil enrolled  
23 in a district and attending special education and related services for pre-  
24 school-aged exceptional children provided for by the district shall be  
25 counted as  $\frac{1}{2}$  pupil. A preschool-aged at-risk pupil enrolled in a district  
26 and receiving services under an approved at-risk pupil assistance plan  
27 maintained by the district shall be counted as  $\frac{1}{2}$  pupil. A pupil in the  
28 custody of the secretary of social and rehabilitation services and enrolled  
29 in unified school district No. 259, Sedgwick county, Kansas, but housed,  
30 maintained, and receiving educational services at the Judge James V. Rid-  
31 del Boys Ranch, shall be counted as two pupils. A pupil residing at the  
32 Flint Hills job corps center shall not be counted. A pupil confined in and  
33 receiving educational services provided for by a district at a juvenile de-  
34 tention facility shall not be counted. A pupil enrolled in a district but  
35 housed, maintained, and receiving educational services at a state institu-  
36 tion shall not be counted.

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

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

43 (d) "Preschool-aged at-risk pupil" means an at-risk pupil who has

1 attained the age of four years, is under the age of eligibility for attendance  
2 at kindergarten, and has been selected by the state board in accordance  
3 with guidelines consonant with guidelines governing the selection of pu-  
4 pils for participation in head start programs. The state board shall select  
5 not more than 3,756 preschool-aged at-risk pupils to be counted in the  
6 2001-02 school year and not more than 5,500 preschool-aged at-risk pu-  
7 pils to be counted in any school year thereafter.

8 (e) "Enrollment" means, for districts scheduling the school days or  
9 school hours of the school term on a trimestral or quarterly basis, the  
10 number of pupils regularly enrolled in the district on September 20 plus  
11 the number of pupils regularly enrolled in the district on February 20  
12 less the number of pupils regularly enrolled on February 20 who were  
13 counted in the enrollment of the district on September 20; and for dis-  
14 tricts not hereinbefore specified, the number of pupils regularly enrolled  
15 in the district on September 20. Notwithstanding the foregoing, if en-  
16 rollment in a district in any school year has decreased from enrollment  
17 in the preceding school year, enrollment of the district in the current  
18 school year means whichever is the greater of (1) enrollment in the pre-  
19 ceding school year minus enrollment in such school year of preschool-  
20 aged at-risk pupils, if any such pupils were enrolled, plus enrollment in  
21 the current school year of preschool-aged at-risk pupils, if any such pupils  
22 are enrolled, or (2) the sum of enrollment in the current school year of  
23 preschool-aged at-risk pupils, if any such pupils are enrolled and the av-  
24 erage (mean) of the sum of (A) enrollment of the district in the current  
25 school year minus enrollment in such school year of preschool-aged at-  
26 risk pupils, if any such pupils are enrolled and (B) enrollment in the  
27 preceding school year minus enrollment in such school year of preschool-  
28 aged at-risk pupils, if any such pupils were enrolled and (C) enrollment  
29 in the school year next preceding the preceding school year minus en-  
30 rollment in such school year of preschool-aged at-risk pupils, if any such  
31 pupils were enrolled.

32 (f) "Adjusted enrollment" means enrollment adjusted by adding at-  
33 risk pupil weighting, program weighting, low enrollment weighting, if any,  
34 correlation weighting, if any, school facilities weighting, if any, ancillary  
35 school facilities weighting, if any, ~~special education and related services~~  
36 ~~weighting~~, and transportation weighting to enrollment.

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

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

42 (i) "Low enrollment weighting" means an addend component as-  
43 signed to enrollment of districts having under 1,725 enrollment on the

1 basis of costs attributable to maintenance of educational programs by such  
2 districts in comparison with costs attributable to maintenance of educa-  
3 tional programs by districts having 1,725 or over enrollment.

4 (j) “School facilities weighting” means an addend component as-  
5 signed to enrollment of districts on the basis of costs attributable to com-  
6 mencing operation of new school facilities. School facilities weighting may  
7 be assigned to enrollment of a district only if the district has adopted a  
8 local option budget and budgeted therein the total amount authorized for  
9 the school year. School facilities weighting may be assigned to enrollment  
10 of the district only in the school year in which operation of a new school  
11 facility is commenced and in the next succeeding school year.

12 (k) “Transportation weighting” means an addend component as-  
13 signed to enrollment of districts on the basis of costs attributable to the  
14 provision or furnishing of transportation.

15 (l) “Correlation weighting” means an addend component assigned to  
16 enrollment of districts having 1,725 or over enrollment on the basis of  
17 costs attributable to maintenance of educational programs by such dis-  
18 tricts as a correlate to low enrollment weighting assigned to enrollment  
19 of districts having under 1,725 enrollment.

20 (m) “Ancillary school facilities weighting” means an addend compo-  
21 nent assigned to enrollment of districts to which the provisions of K.S.A.  
22 2001 Supp. 72-6441, and amendments thereto, apply on the basis of costs  
23 attributable to commencing operation of new school facilities. Ancillary  
24 school facilities weighting may be assigned to enrollment of a district only  
25 if the district has levied a tax under authority of K.S.A. 2001 Supp. 72-  
26 6441, and amendments thereto, and remitted the proceeds from such tax  
27 to the state treasurer. Ancillary school facilities weighting is in addition  
28 to assignment of school facilities weighting to enrollment of any district  
29 eligible for such weighting.

30 (n) “Juvenile detention facility” means any community juvenile cor-  
31 rections center or facility, the Forbes Juvenile Attention Facility, the  
32 Sappa Valley Youth Ranch of Oberlin, Salvation Army/Koch Center Youth  
33 Services, the Clarence M. Kelley Youth Center, the Clarence M. Kelley  
34 Transitional Living Center, Trego County Secure Care Center, St. Fran-  
35 cis Academy at Atchison, St. Francis Academy at Ellsworth, St. Francis  
36 Academy at Salina, St. Francis Center at Salina, King’s Achievement Cen-  
37 ter, and Liberty Juvenile Services and Treatment.

38 ~~(o) “Special education and related services weighting” means an ad-~~  
39 ~~ded component assigned to enrollment of districts on the basis of costs~~  
40 ~~attributable to provision of special education and related services for pu-~~  
41 ~~pils determined to be exceptional children.~~

42 Sec. 4. K.S.A. 2001 Supp. 72-6410 is hereby amended to read as  
43 follows: 72-6410. (a) “State financial aid” means an amount equal to the

1 product obtained by multiplying base state aid per pupil by the adjusted  
2 enrollment of a district.

3 (b) “Base state aid per pupil” means an amount of state financial aid  
4 per pupil. Subject to the other provisions of this subsection, the amount  
5 of base state aid per pupil is \$3,870. The amount of base state aid per  
6 pupil is subject to reduction commensurate with any reduction under  
7 K.S.A. 75-6704, and amendments thereto, in the amount of the appro-  
8 priation from the state general fund for general state aid. If the amount  
9 of appropriations for general state aid is insufficient to pay in full the  
10 amount each district is entitled to receive for any school year, the amount  
11 of base state aid per pupil for such school year is subject to reduction  
12 commensurate with the amount of the insufficiency.

13 (c) “Local effort” means the sum of an amount equal to the proceeds  
14 from the tax levied under authority of K.S.A. 72-6431, and amendments  
15 thereto, and an amount equal to any unexpended and unencumbered  
16 balance remaining in the general fund of the district, except amounts  
17 received by the district and authorized to be expended for the purposes  
18 specified in K.S.A. 72-6430, and amendments thereto, and an amount  
19 equal to any unexpended and unencumbered balances remaining in the  
20 program weighted funds of the district, except any amount in the voca-  
21 tional education fund of the district if the district is operating an area  
22 vocational school, and an amount equal to any remaining proceeds from  
23 taxes levied under authority of K.S.A. 72-7056 and 72-7072, and amend-  
24 ments thereto, prior to the repeal of such statutory sections, and an  
25 amount equal to the amount deposited in the general fund in the current  
26 school year from amounts received in such year by the district under the  
27 provisions of subsection (a) of K.S.A. 72-1046a, and amendments thereto,  
28 and an amount equal to the amount deposited in the general fund in the  
29 current school year from amounts received in such year by the district  
30 pursuant to contracts made and entered into under authority of K.S.A.  
31 72-6757, and amendments thereto, and an amount equal to the amount  
32 credited to the general fund in the current school year from amounts  
33 distributed in such year to the district under the provisions of articles 17  
34 and 34 of chapter 12 of Kansas Statutes Annotated and under the pro-  
35 visions of articles 42 and 51 of chapter 79 of Kansas Statutes Annotated,  
36 and an amount equal to the amount of payments received by the district  
37 ~~under the provisions of K.S.A. 72-979, and amendments thereto, and an~~  
38 ~~amount equal to the amount of a grant, if any, received by the district~~  
39 ~~under the provisions of K.S.A. 2001 Supp. 72-983, and amendments~~  
40 ~~thereto, and an amount equal to 75% of the federal impact aid of the~~  
41 district.

42 (d) “Federal impact aid” means an amount equal to the federally  
43 qualified percentage of the amount of moneys a district receives in the

1 current school year under the provisions of title I of public law 874 and  
2 congressional appropriations therefor, excluding amounts received for as-  
3 sistance in cases of major disaster and amounts received under the low-  
4 rent housing program. The amount of federal impact aid defined herein  
5 as an amount equal to the federally qualified percentage of the amount  
6 of moneys provided for the district under title I of public law 874 shall  
7 be determined by the state board in accordance with terms and conditions  
8 imposed under the provisions of the public law and rules and regulations  
9 thereunder.

10 Sec. 5. K.S.A. 2001 Supp. 72-6420 is hereby amended to read as  
11 follows: 72-6420. (a) There is hereby established in every district a fund  
12 which shall be called the special education fund, which fund shall consist  
13 of all moneys deposited therein or transferred thereto according to law.  
14 Notwithstanding any other provision of law, all moneys received by the  
15 district from whatever source for special education shall be credited to  
16 the special education fund established by this section, except that ~~(1)~~  
17 ~~amounts of payments received by a district under K.S.A. 2001 Supp. 72-~~  
18 ~~979, and amendments thereto, and amounts of grants, if any, received by~~  
19 ~~a district under K.S.A. 72-983, and amendments thereto, shall be depos-~~  
20 ~~ited in the general fund of the district and transferred to the special~~  
21 ~~education fund, and (2)~~ moneys received by a district pursuant to lawful  
22 agreements made under K.S.A. 72-968, and amendments thereto, shall  
23 be credited to the special fund established under the agreements.

24 (b) The expenses of a district directly attributable to special education  
25 shall be paid from the special education fund and from special funds  
26 established under K.S.A. 72-968, and amendments thereto.

27 (c) Obligations of a district pursuant to lawful agreements made un-  
28 der K.S.A. 72-968, and amendments thereto, shall be paid from the spe-  
29 cial education fund established by this section.

30 Sec. 6. K.S.A. 2001 Supp. 72-979, 72-979a, 72-983, 72-6407, 72-  
31 6410, 72-6420 and 72-6446 are hereby repealed.

32 Sec. 7. This act shall take effect and be in force from and after its  
33 publication in the statute book.

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