

HOUSE BILL No. 2909

By Representative Merrick

2-13

AN ACT concerning private elementary or secondary schools; allowing children instructed at such schools to participate in academic and interscholastic extracurricular activities; amending K.S.A. 72-132 and K.S.A. 2001 Supp. 72-130 and 72-6407 and repealing the existing sections.

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

New Section 1. As used in this act:

(a) "Private elementary or secondary school" has the meaning ascribed thereto in K.S.A. 72-53,100, and amendments thereto; and

(b) "interscholastic extracurricular activities" has the meaning ascribed to activities in K.S.A. 72-133, and amendments thereto.

New Sec. 2. Notwithstanding any other provision of law, a child who resides within the attendance area of a public school and who is instructed at a private elementary or secondary school shall be allowed to enroll in the district and participate in academic activities of the public school and interscholastic extracurricular activities on behalf of the public school. The state board of education shall adopt rules and regulations prescribing procedures for the participation of children instructed at private elementary or secondary schools in academic activities and interscholastic extracurricular activities. The child shall be permitted to participate in any interscholastic extracurricular activity on the same basis as a pupil regularly enrolled in the district. The rules and regulations adopted by the state board of education shall provide that a child who is instructed at a private elementary or secondary school and who was previously enrolled in a public school during the school year shall be ineligible to participate in interscholastic extracurricular activities on behalf of a different public school for the remainder of such school year.

Sec. 3. K.S.A. 2001 Supp. 72-130 is hereby amended to read as follows: 72-130. (a) Any association with a majority of the high schools of the state as members and the purpose of which association is the statewide regulation, supervision, promotion and development of any of the activities defined in K.S.A. 72-133, and amendments thereto, and in which any public high school of this state may participate directly or indirectly shall:

1 (1) On or before September 1 of each year make a full report of its
2 operation for the preceding calendar year to the state board of education.
3 The report shall contain a complete and detailed financial statement un-
4 der the certificate of a certified public accountant.

5 (2) File with the state board a copy of all reports and publications
6 issued from time to time by such association.

7 (3) Be governed by a board of directors which shall exercise the leg-
8 islative authority of the association and shall establish policy for the
9 association.

10 (4) Submit to the state board of education, for its approval or disap-
11 proval prior to adoption, any amendments, additions, alterations or mod-
12 ifications of its articles of incorporation or bylaws. If any articles of in-
13 corporation, bylaws or any amendment, addition or alteration thereto is
14 disapproved by the state board of education, the same shall not be
15 adopted.

16 (5) Establish a system for the classification of member high schools
17 according to student attendance.

18 (6) Be subject to the provisions of the Kansas open meetings law.

19 (7) Be subject to the provisions of the open records law.

20 (b) *The association shall provide for participation of children who are*
21 *instructed at a private elementary or secondary school in all activities,*
22 *tournaments and events sponsored by or under the jurisdiction of the*
23 *association if such children are participants in interscholastic extracur-*
24 *ricular activities at a public school as provided in section 2, and amend-*
25 *ments thereto. Such children shall be considered bona fide undergradu-*
26 *ates of the public school for the purpose of satisfying eligibility*
27 *requirements of the association.*

28 ~~(b)~~ (c) The board of directors shall consist of not less than 60 mem-
29 bers. At least eight directors shall be members of boards of education,
30 elected by local boards of education. At least two of such directors shall
31 be elected from each congressional district of the state. At least two di-
32 rectors shall be representatives of the state board of education, appointed
33 by the state board. Directors who are representatives of the senior high
34 schools which are affiliated with a league shall be elected by the league.
35 The senior high schools which are not affiliated with a league shall be
36 represented by at least one director. At least four directors shall be rep-
37 resentatives of the middle/junior high schools, elected by the middle/
38 junior high schools. At least one director shall be representative of and
39 selected by athletic administrators. At least one director shall be repre-
40 sentative of and selected by coaches. At least one director shall be rep-
41 resentative of and selected by speech communications educators. At least
42 one director shall be representative of and selected by music educators.
43 At least one director shall be representative of and selected by scholars'

1 bowl coaches. Upon selection of the foregoing directors, the state board
2 of education shall be provided with a list of such directors. In order to
3 attain, when necessary, and insofar as possible, representation of ethnic
4 minority groups and both genders on the board of directors, the state
5 board shall appoint not more than four additional directors from the pub-
6 lic at large. All directors are limited to six consecutive years of service.

7 ~~(c)~~ (d) An executive board which shall be responsible for the admin-
8 istration, enforcement and interpretation of policy established by the
9 board of directors shall be elected by the board of directors from its
10 membership. Insofar as possible, membership on the executive board
11 shall be representative of ethnic minority groups, both genders, and all
12 geographical areas of the state.

13 ~~(d)~~ (e) An appeal board which shall be responsible for conducting
14 hearings provided for in K.S.A. 72-134, and amendments thereto, shall
15 be elected as provided in this subsection. The appeal board shall consist
16 of eight members. The membership of the appeal board shall include
17 four members who are board of education members, elected by the
18 boards of education of the member schools of the association; and four
19 members who are school administrators, elected by the member schools
20 of the association. No member of the board of directors shall be eligible
21 for election to membership on the appeal board. All members of the
22 appeal board are limited to six consecutive years of service.

23 ~~(e)~~ (f) The executive board is authorized to employ an executive di-
24 rector and such other personnel as may be necessary to the exercise of
25 the powers and the performance of the functions and duties of the board
26 of directors, the executive board, and the appeal board. The executive
27 director and all other personnel, except custodial, clerical or maintenance
28 personnel, employed by the executive board pursuant to this subsection,
29 shall file written statements of substantial interests, as provided by K.S.A.
30 46-248 through 46-252, and amendments thereto.

31 Sec. 4. K.S.A. 72-132 is hereby amended to read as follows: 72-132.
32 On ~~or~~ and after the effective date of this act, it shall be unlawful for any
33 board of education of any school district, or for any school administrator
34 or official of any school district to pay or authorize or approve the payment
35 of any amount from any public or activity fund of the school district to a
36 private association or corporation having for its purpose the promotion,
37 development and direction of *interscholastic* activities and contests ~~be-~~
38 ~~tween such schools~~ in this state ~~and which shall~~ *if such association or*
39 *corporation does not comply with the provisions of K.S.A. 72-130 to 72-*
40 *134, inclusive, and amendments thereto, and if such association or cor-*
41 *poration prohibits participation of children instructed at private elemen-*
42 *tary or secondary schools in interscholastic extracurricular activities.* Any
43 member of a board of education of any school district who shall vote to

1 authorize or approve any such payment or any school administrator or
2 official who shall pay or authorize or approve any such payment shall be
3 personally liable for any amount so paid. Payment of dues to an association
4 or corporation complying with the provisions of this act and the right of
5 such association or corporation to receive and dispose of any funds so
6 received are hereby authorized.

7 Sec. 5. K.S.A. 2001 Supp. 72-6407 is hereby amended to read as
8 follows: 72-6407. (a) "Pupil" means any person who is regularly enrolled
9 in a district and attending kindergarten or any of the grades one through
10 12 maintained by the district or who is regularly enrolled in a district and
11 attending kindergarten or any of the grades one through 12 in another
12 district in accordance with an agreement entered into under authority of
13 K.S.A. 72-8233, and amendments thereto, or who is regularly enrolled in
14 a district and attending special education services provided for preschool-
15 aged exceptional children by the district. Except as otherwise provided
16 in this subsection, a pupil in attendance full time shall be counted as one
17 pupil. A pupil in attendance part time shall be counted as that proportion
18 of one pupil (to the nearest $\frac{1}{10}$) that the pupil's attendance bears to full-
19 time attendance. A pupil attending kindergarten shall be counted as $\frac{1}{2}$
20 pupil. A pupil enrolled in and attending an institution of postsecondary
21 education which is authorized under the laws of this state to award aca-
22 demic degrees shall be counted as one pupil if the pupil's postsecondary
23 education enrollment and attendance together with the pupil's attend-
24 ance in either of the grades 11 or 12 is at least $\frac{5}{6}$ time, otherwise the
25 pupil shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$)
26 that the total time of the pupil's postsecondary education attendance and
27 attendance in grade 11 or 12, as applicable, bears to full-time attendance.
28 A pupil enrolled in and attending an area vocational school, area voca-
29 tional-technical school or approved vocational education program shall be
30 counted as one pupil if the pupil's vocational education enrollment and
31 attendance together with the pupil's attendance in any of grades nine
32 through 12 is at least $\frac{5}{6}$ time, otherwise the pupil shall be counted as that
33 proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the
34 pupil's vocational education attendance and attendance in any of grades
35 nine through 12 bears to full-time attendance. A pupil enrolled in a dis-
36 trict and attending special education and related services, except special
37 education and related services for preschool-aged exceptional children,
38 provided for by the district shall be counted as one pupil. A pupil enrolled
39 in a district and attending special education and related services for pre-
40 school-aged exceptional children provided for by the district shall be
41 counted as $\frac{1}{2}$ pupil. A preschool-aged at-risk pupil enrolled in a district
42 and receiving services under an approved at-risk pupil assistance plan
43 maintained by the district shall be counted as $\frac{1}{2}$ pupil. A pupil in the

1 custody of the secretary of social and rehabilitation services and enrolled
2 in unified school district No. 259, Sedgwick county, Kansas, but housed,
3 maintained, and receiving educational services at the Judge James V. Rid-
4 del Boys Ranch, shall be counted as two pupils. A pupil residing at the
5 Flint Hills job corps center shall not be counted. A pupil confined in and
6 receiving educational services provided for by a district at a juvenile de-
7 tention facility shall not be counted. A pupil enrolled in a district but
8 housed, maintained, and receiving educational services at a state institu-
9 tion shall not be counted. *A child who is a resident of the district and*
10 *enrolled in the district but is a student in a private elementary or second-*
11 *ary school shall be counted as one pupil.*

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

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

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

26 (e) "Enrollment" means, for districts scheduling the school days or
27 school hours of the school term on a trimestral or quarterly basis, the
28 number of pupils regularly enrolled in the district on September 20 plus
29 the number of pupils regularly enrolled in the district on February 20
30 less the number of pupils regularly enrolled on February 20 who were
31 counted in the enrollment of the district on September 20; and for dis-
32 tricts not hereinbefore specified, the number of pupils regularly enrolled
33 in the district on September 20. Notwithstanding the foregoing, if en-
34 rollment in a district in any school year has decreased from enrollment
35 in the preceding school year, enrollment of the district in the current
36 school year means whichever is the greater of (1) enrollment in the pre-
37 ceding school year minus enrollment in such school year of preschool-
38 aged at-risk pupils, if any such pupils were enrolled, plus enrollment in
39 the current school year of preschool-aged at-risk pupils, if any such pupils
40 are enrolled, or (2) the sum of enrollment in the current school year of
41 preschool-aged at-risk pupils, if any such pupils are enrolled and the av-
42 erage (mean) of the sum of (A) enrollment of the district in the current
43 school year minus enrollment in such school year of preschool-aged at-

1 risk pupils, if any such pupils are enrolled and (B) enrollment in the
2 preceding school year minus enrollment in such school year of preschool-
3 aged at-risk pupils, if any such pupils were enrolled and (C) enrollment
4 in the school year next preceding the preceding school year minus en-
5 rollment in such school year of preschool-aged at-risk pupils, if any such
6 pupils were enrolled.

7 (f) “Adjusted enrollment” means enrollment adjusted by adding at-
8 risk pupil weighting, program weighting, low enrollment weighting, if any,
9 correlation weighting, if any, school facilities weighting, if any, ancillary
10 school facilities weighting, if any, special education and related services
11 weighting, and transportation weighting to enrollment.

12 (g) “At-risk pupil weighting” means an addend component assigned
13 to enrollment of districts on the basis of enrollment of at-risk pupils.

14 (h) “Program weighting” means an addend component assigned to
15 enrollment of districts on the basis of pupil attendance in educational
16 programs which differ in cost from regular educational programs.

17 (i) “Low enrollment weighting” means an addend component as-
18 signed to enrollment of districts having under 1,725 enrollment on the
19 basis of costs attributable to maintenance of educational programs by such
20 districts in comparison with costs attributable to maintenance of educa-
21 tional programs by districts having 1,725 or over enrollment.

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

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

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

38 (m) “Ancillary school facilities weighting” means an addend compo-
39 nent assigned to enrollment of districts to which the provisions of K.S.A.
40 2001 Supp. 72-6441, and amendments thereto, apply on the basis of costs
41 attributable to commencing operation of new school facilities. Ancillary
42 school facilities weighting may be assigned to enrollment of a district only
43 if the district has levied a tax under authority of K.S.A. 2001 Supp. 72-

1 6441, and amendments thereto, and remitted the proceeds from such tax
2 to the state treasurer. Ancillary school facilities weighting is in addition
3 to assignment of school facilities weighting to enrollment of any district
4 eligible for such weighting.

5 (n) “Juvenile detention facility” means any community juvenile cor-
6 rections center or facility, the Forbes Juvenile Attention Facility, the
7 Sappa Valley Youth Ranch of Oberlin, Salvation Army/Koch Center Youth
8 Services, the Clarence M. Kelley Youth Center, the Clarence M. Kelley
9 Transitional Living Center, Trego County Secure Care Center, St. Francis
10 Academy at Atchison, St. Francis Academy at Ellsworth, St. Francis
11 Academy at Salina, St. Francis Center at Salina, King’s Achievement Cen-
12 ter, and Liberty Juvenile Services and Treatment.

13 (o) “Special education and related services weighting” means an ad-
14 dendum component assigned to enrollment of districts on the basis of costs
15 attributable to provision of special education and related services for pu-
16 pils determined to be exceptional children.

17 Sec. 6. K.S.A. 72-132 and K.S.A. 2001 Supp. 72-130 and 72-6407 are
18 hereby repealed.

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

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