

# HOUSE BILL No. 2975

By Committee on Education

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AN ACT concerning school districts; disallowing the counting of certain pupils for purposes of computations under the school district finance and quality performance act; entering into reciprocal agreements; amending K.S.A. 2001 Supp. 72-1046a, 72-6407 and 72-6757 and repealing the existing sections.

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

New Section. 1. The state board of education may enter into and implement reciprocal agreements with the boards or agencies having control and supervision over local education located in other states. Such agreements shall provide that residents of the state of Kansas may be admitted to education institutions located in other states, such institutions being under the control of the contracting parties, for the purpose of pursuing elementary or secondary education and that residents of such other states may be admitted to education institutions under the control of the state board to pursue elementary or secondary education of such other contracting party or parties. The state board of education may be such other acts as may be necessary to carry out provisions of agreements entered into pursuant to this section. The state board of education shall attempt to have these agreements in place by July 1, 2005.

Sec. 2. K.S.A. 2001 Supp. 72-1046a is hereby amended to read as follows: 72-1046a. (a) The board of education of any school district is hereby authorized to permit pupils who are not residents of the school district to enroll in and attend the schools of the district. The board of education may permit such pupils to attend school without charge or, subject to the provisions of subsection (b), may charge such pupils for attendance at school to offset, totally or in part, the costs of providing for such attendance. Amounts received under this subsection by the board of education of a school district for enrollment and attendance of pupils at school in regular educational programs shall be deposited in the general fund of the school district.

(b) Pupils who are not residents of a school district and are attending the schools of the school district in accordance with the provisions of an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto, shall not be charged for attendance at school. The costs

1 of providing for the attendance of such pupils at school shall be paid by  
2 the school district of residence of the pupils in accordance with the pro-  
3 visions of the agreement. *Amounts received under this subsection by the*  
4 *board of education of a school district for attendance of pupils at school*  
5 *in regular educational programs shall be deposited in the general fund of*  
6 *the school district.*

7 (c) *Pupils who do not meet any of the requirements of K.S.A. 72-1046,*  
8 *and amendments thereto, for school attendance in a school district located*  
9 *in this state shall not be counted for the purpose of computations under*  
10 *the school district finance and quality performance act.*

11 Sec. 3. K.S.A. 2001 Supp. 72-6757 is hereby amended to read as  
12 follows: 72-6757. (a) As used in this section:

13 (1) "Receiving school district" means a school district of nonresi-  
14 dence of a pupil who attends school in such school district.

15 (2) "Sending school district" means a school district of residence of  
16 a pupil who attends school in a school district not of the pupil's residence.

17 (b) The board of education of any school district may make and enter  
18 into contracts with the board of education of any receiving school district  
19 located in this state for the purpose of providing for the attendance of  
20 pupils at school in the receiving school district.

21 (c) The board of education of any school district may make and enter  
22 into contracts with the governing authority of any accredited school dis-  
23 trict located in another state for the purpose of providing for the attend-  
24 ance of pupils from this state at school in such other state or for the  
25 attendance of pupils from such other state at school in this state.

26 (d) *For the purpose of computations under the school district finance*  
27 *and quality performance act, pupils attending school in a receiving school*  
28 *district in accordance with a contract authorized by this section and shall*  
29 *not be counted as regularly enrolled in and attending school in the re-*  
30 *ceiving school district. Pupils attending school in a receiving school dis-*  
31 *trict in accordance with a contract made and entered into by such re-*  
32 *ceiving school district with a sending school district located in this state*  
33 *shall be counted as regularly enrolled in and attending school in the send-*  
34 *ing school district for the purpose of computations under the school dis-*  
35 *trict finance and quality performance act.*

36 (e) Any contract made and entered into under authority of this sec-  
37 tion is subject to the following conditions:

38 (1) The contract shall be for the benefit of pupils who reside at in-  
39 convenient or unreasonable distances from the schools maintained by the  
40 sending school district or for pupils who, for any other reason deemed  
41 sufficient by the board of education of the sending school district, should  
42 attend school in a receiving school district;

43 (2) the contract shall make provision for the payment of tuition by

1 the sending school district to the receiving school district;

2 (3) if a sending school district is located in this state and the receiving  
3 school district is located in another state, the amount of tuition provided  
4 to be paid for the attendance of a pupil or pupils at school in the receiving  
5 school district shall not exceed  $\frac{1}{2}$  of the amount of the budget per pupil  
6 of the sending school district under the school district finance and quality  
7 performance act for the current school year; and

8 (4) the contract shall make provision for transportation of pupils to  
9 and from the school attended on every school day.

10 (f) Amounts received pursuant to contracts made and entered into  
11 under authority of this section by a school district located in this state for  
12 enrollment and attendance of pupils at school in regular educational pro-  
13 grams shall be deposited in the general fund of the school district.

14 (g) The provisions of subsection (e)(3) do not apply to unified school  
15 district No. 104, Jewell county.

16 (h) The provisions of this section do not apply to contracts made and  
17 entered into under authority of the special education for exceptional chil-  
18 dren act.

19 (i) The provisions of this section are deemed to be alternative to the  
20 provisions of K.S.A. 72-8233, and amendments thereto, and no procedure  
21 or authorization under K.S.A. 72-8233, and amendments thereto, shall be  
22 limited by the provisions of this section.

23 Sec. 4. K.S.A. 2001 Supp. 72-6407 is hereby amended to read as  
24 follows: 72-6407. (a) "Pupil" means any person who is regularly enrolled  
25 in a district and attending kindergarten or any of the grades one through  
26 12 maintained by the district or who is regularly enrolled in a district and  
27 attending kindergarten or any of the grades one through 12 in another  
28 district in accordance with an agreement entered into under authority of  
29 K.S.A. 72-8233, and amendments thereto, or who is regularly enrolled in  
30 a district and attending special education services provided for preschool-  
31 aged exceptional children by the district. Except as otherwise provided  
32 in this subsection, a pupil in attendance full time shall be counted as one  
33 pupil. A pupil in attendance part time shall be counted as that proportion  
34 of one pupil (to the nearest  $\frac{1}{10}$ ) that the pupil's attendance bears to full-  
35 time attendance. A pupil attending kindergarten shall be counted as  $\frac{1}{2}$   
36 pupil. A pupil enrolled in and attending an institution of postsecondary  
37 education which is authorized under the laws of this state to award aca-  
38 demic degrees shall be counted as one pupil if the pupil's postsecondary  
39 education enrollment and attendance together with the pupil's attend-  
40 ance in either of the grades 11 or 12 is at least  $\frac{5}{6}$  time, otherwise the  
41 pupil shall be counted as that proportion of one pupil (to the nearest  $\frac{1}{10}$ )  
42 that the total time of the pupil's postsecondary education attendance and  
43 attendance in grade 11 or 12, as applicable, bears to full-time attendance.

1 A pupil enrolled in and attending an area vocational school, area voca-  
2 tional-technical school or approved vocational education program shall be  
3 counted as one pupil if the pupil's vocational education enrollment and  
4 attendance together with the pupil's attendance in any of grades nine  
5 through 12 is at least  $\frac{5}{6}$  time, otherwise the pupil shall be counted as that  
6 proportion of one pupil (to the nearest  $\frac{1}{10}$ ) that the total time of the  
7 pupil's vocational education attendance and attendance in any of grades  
8 nine through 12 bears to full-time attendance. A pupil enrolled in a dis-  
9 trict and attending special education and related services, except special  
10 education and related services for preschool-aged exceptional children,  
11 provided for by the district shall be counted as one pupil. A pupil enrolled  
12 in a district and attending special education and related services for pre-  
13 school-aged exceptional children provided for by the district shall be  
14 counted as  $\frac{1}{2}$  pupil. A preschool-aged at-risk pupil enrolled in a district  
15 and receiving services under an approved at-risk pupil assistance plan  
16 maintained by the district shall be counted as  $\frac{1}{2}$  pupil. A pupil in the  
17 custody of the secretary of social and rehabilitation services and enrolled  
18 in unified school district No. 259, Sedgwick county, Kansas, but housed,  
19 maintained, and receiving educational services at the Judge James V. Rid-  
20 del Boys Ranch, shall be counted as two pupils. A pupil residing at the  
21 Flint Hills job corps center shall not be counted. A pupil confined in and  
22 receiving educational services provided for by a district at a juvenile de-  
23 tention facility shall not be counted. A pupil enrolled in a district but  
24 housed, maintained, and receiving educational services at a state institu-  
25 tion shall not be counted. *A pupil enrolled in a district, but not meeting*  
26 *any of the requirements of K.S.A. 72-1046, and amendments thereto, for*  
27 *school attendance in any district located in this state shall not be counted.*

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

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

34 (d) "Preschool-aged at-risk pupil" means an at-risk pupil who has  
35 attained the age of four years, is under the age of eligibility for attendance  
36 at kindergarten, and has been selected by the state board in accordance  
37 with guidelines consonant with guidelines governing the selection of pu-  
38 pils for participation in head start programs. The state board shall select  
39 not more than 3,756 preschool-aged at-risk pupils to be counted in the  
40 2001-02 school year and not more than 5,500 preschool-aged at-risk pu-  
41 pils to be counted in any school year thereafter.

42 (e) "Enrollment" means, for districts scheduling the school days or  
43 school hours of the school term on a trimestral or quarterly basis, the

1 number of pupils regularly enrolled in the district on September 20 plus  
2 the number of pupils regularly enrolled in the district on February 20  
3 less the number of pupils regularly enrolled on February 20 who were  
4 counted in the enrollment of the district on September 20; and for dis-  
5 tricts not hereinbefore specified, the number of pupils regularly enrolled  
6 in the district on September 20. Notwithstanding the foregoing, if en-  
7 rollment in a district in any school year has decreased from enrollment  
8 in the preceding school year, enrollment of the district in the current  
9 school year means whichever is the greater of (1) enrollment in the pre-  
10 ceeding school year minus enrollment in such school year of preschool-  
11 aged at-risk pupils, if any such pupils were enrolled, plus enrollment in  
12 the current school year of preschool-aged at-risk pupils, if any such pupils  
13 are enrolled, or (2) the sum of enrollment in the current school year of  
14 preschool-aged at-risk pupils, if any such pupils are enrolled and the av-  
15 erage (mean) of the sum of (A) enrollment of the district in the current  
16 school year minus enrollment in such school year of preschool-aged at-  
17 risk pupils, if any such pupils are enrolled and (B) enrollment in the  
18 preceding school year minus enrollment in such school year of preschool-  
19 aged at-risk pupils, if any such pupils were enrolled and (C) enrollment  
20 in the school year next preceding the preceding school year minus en-  
21 rollment in such school year of preschool-aged at-risk pupils, if any such  
22 pupils were enrolled.

23 (f) "Adjusted enrollment" means enrollment adjusted by adding at-  
24 risk pupil weighting, program weighting, low enrollment weighting, if any,  
25 correlation weighting, if any, school facilities weighting, if any, ancillary  
26 school facilities weighting, if any, special education and related services  
27 weighting, and transportation weighting to enrollment.

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

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

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

38 (j) "School facilities weighting" means an addend component as-  
39 signed to enrollment of districts on the basis of costs attributable to com-  
40 mencing operation of new school facilities. School facilities weighting may  
41 be assigned to enrollment of a district only if the district has adopted a  
42 local option budget and budgeted therein the total amount authorized for  
43 the school year. School facilities weighting may be assigned to enrollment

1 of the district only in the school year in which operation of a new school  
2 facility is commenced and in the next succeeding school year.

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

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

11 (m) “Ancillary school facilities weighting” means an addend compo-  
12 nent assigned to enrollment of districts to which the provisions of K.S.A.  
13 2001 Supp. 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 only  
16 if the district has levied a tax under authority of K.S.A. 2001 Supp. 72-  
17 6441, and amendments thereto, and remitted the proceeds from such tax  
18 to the state treasurer. Ancillary school facilities weighting is in addition  
19 to assignment of school facilities weighting to enrollment of any district  
20 eligible for such weighting.

21 (n) “Juvenile detention facility” means any community juvenile cor-  
22 rections center or facility, the Forbes Juvenile Attention Facility, the  
23 Sappa Valley Youth Ranch of Oberlin, Salvation Army/Koch Center Youth  
24 Services, the Clarence M. Kelley Youth Center, the Clarence M. Kelley  
25 Transitional Living Center, Trego County Secure Care Center, St. Fran-  
26 cis Academy at Atchison, St. Francis Academy at Ellsworth, St. Francis  
27 Academy at Salina, St. Francis Center at Salina, King’s Achievement Cen-  
28 ter, and Liberty Juvenile Services and Treatment.

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

33 Sec. 5. K.S.A. 2001 Supp. 72-1046a, 72-6407 and 72-6757 are hereby  
34 repealed.

35 Sec. 6. This act shall take effect and be in force from and after its  
36 publication in the statute book.

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