

As Amended by House Committee

Session of 2004

SENATE BILL No. 346

By Committee on Education

1-23

10 AN ACT concerning schools and school districts; relating to pupils;  
11 amending **K.S.A. 72-6757 and** K.S.A. 2003 Supp. 72-6407 and re-  
12 pealing the existing ~~section sections~~.

13  
14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 2003 Supp. 72-6407 is hereby amended to read as  
16 follows: 72-6407. (a) (1) "Pupil" means any person who is regularly en-  
17 rolled in a district and attending kindergarten or any of the grades one  
18 through 12 maintained by the district or who is regularly enrolled in a  
19 district and attending kindergarten or any of the grades one through 12  
20 in another district in accordance with an agreement entered into under  
21 authority of K.S.A. 72-8233, and amendments thereto, or who is regularly  
22 enrolled in a district and attending special education services provided  
23 for preschool-aged exceptional children by the district.

24 (2) Except as otherwise provided in *paragraph (3)* of this subsection,  
25 a pupil in attendance full time shall be counted as one pupil. A pupil in  
26 attendance part time shall be counted as that proportion of one pupil (to  
27 the nearest  $\frac{1}{10}$ ) that the pupil's attendance bears to full-time attendance.  
28 A pupil attending kindergarten shall be counted as  $\frac{1}{2}$  pupil. A pupil en-  
29 rolled in and attending an institution of postsecondary education which  
30 is authorized under the laws of this state to award academic degrees shall  
31 be counted as one pupil if the pupil's postsecondary education enrollment  
32 and attendance together with the pupil's attendance in either of the  
33 grades 11 or 12 is at least  $\frac{5}{6}$  time, otherwise the pupil shall be counted  
34 as that proportion of one pupil (to the nearest  $\frac{1}{10}$ ) that the total time of  
35 the pupil's postsecondary education attendance and attendance in grade  
36 11 or 12, as applicable, bears to full-time attendance. A pupil enrolled in  
37 and attending an area vocational school, area vocational-technical school  
38 or approved vocational education program shall be counted as one pupil  
39 if the pupil's vocational education enrollment and attendance together  
40 with the pupil's attendance in any of grades nine through 12 is at least  $\frac{5}{6}$   
41 time, otherwise the pupil shall be counted as that proportion of one pupil  
42 (to the nearest  $\frac{1}{10}$ ) that the total time of the pupil's vocational education  
43 attendance and attendance in any of grades nine through 12 bears to full-

1 time attendance. A pupil enrolled in a district and attending special ed-  
2 ucation and related services, except special education and related services  
3 for preschool-aged exceptional children, provided for by the district shall  
4 be counted as one pupil. A pupil enrolled in a district and attending  
5 special education and related services for preschool-aged exceptional chil-  
6 dren provided for by the district shall be counted as  $\frac{1}{2}$  pupil. A preschool-  
7 aged at-risk pupil enrolled in a district and receiving services under an  
8 approved at-risk pupil assistance plan maintained by the district shall be  
9 counted as  $\frac{1}{2}$  pupil. A pupil in the custody of the secretary of social and  
10 rehabilitation services and enrolled in unified school district No. 259,  
11 Sedgwick county, Kansas, but housed, maintained, and receiving educa-  
12 tional services at the Judge James V. Riddel Boys Ranch, shall be counted  
13 as two pupils.

14 (3) A pupil residing at the Flint Hills job corps center shall not be  
15 counted. A pupil confined in and receiving educational services provided  
16 for by a district at a juvenile detention facility shall not be counted. A  
17 pupil enrolled in a district but housed, maintained, and receiving edu-  
18 cational services at a state institution shall not be counted. *A pupil enrolled*  
19 *in a virtual school in a district but who is not a resident of the state of*  
20 *Kansas shall not be counted.*

21 **(4) On and after July 1, 2005, a pupil enrolled in any school**  
22 **district in this state who does not live in Kansas shall not be**  
23 **counted as a pupil for state financial aid under the school district**  
24 **finance and quality performance act except that until July 1, 2010,**  
25 **a pupil who does not live in Kansas and whose parent is a full-time**  
26 **employee of the school district may be counted as a pupil for pur-**  
27 **poses of state financial aid.**

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 5,500 preschool-aged at-risk pupils to be counted in any  
40 school year.

41 (e) “Enrollment” means: (1) For districts scheduling the school days  
42 or school hours of the school term on a trimestral or quarterly basis, the  
43 number of pupils regularly enrolled in the district on September 20 plus

1 the number of pupils regularly enrolled in the district on February 20  
2 less the number of pupils regularly enrolled on February 20 who were  
3 counted in the enrollment of the district on September 20; and for dis-  
4 tricts not specified in this clause (1), the number of pupils regularly en-  
5 rolled in the district on September 20; (2) if enrollment in a district in  
6 any school year has decreased from enrollment in the preceding school  
7 year, enrollment of the district in the current school year means which-  
8 ever is the greater of (A) enrollment in the preceding school year minus  
9 enrollment in such school year of preschool-aged at-risk pupils, if any  
10 such pupils were enrolled, plus enrollment in the current school year of  
11 preschool-aged at-risk pupils, if any such pupils are enrolled, or (B) the  
12 sum of enrollment in the current school year of preschool-aged at-risk  
13 pupils, if any such pupils are enrolled and the average (mean) of the sum  
14 of (i) enrollment of the district in the current school year minus enroll-  
15 ment in such school year of preschool-aged at-risk pupils, if any such  
16 pupils are enrolled and (ii) enrollment in the preceding school year minus  
17 enrollment in such school year of preschool-aged at-risk pupils, if any  
18 such pupils were enrolled and (iii) enrollment in the school year next  
19 preceding the preceding school year minus enrollment in such school year  
20 of preschool-aged at-risk pupils, if any such pupils were enrolled; or (3)  
21 the number of pupils as determined under K.S.A. 72-6447, and amend-  
22 ments thereto.

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 72-6441, and amendments thereto, apply on the basis of costs attributable  
14 to commencing operation of new school facilities. Ancillary school fac-  
15 ilities weighting may be assigned to enrollment of a district only if the  
16 district has levied a tax under authority of K.S.A. 72-6441, and amend-  
17 ments thereto, and remitted the proceeds from such tax to the state trea-  
18 surer. Ancillary school facilities weighting is in addition to assignment of  
19 school facilities weighting to enrollment of any district eligible for such  
20 weighting.

21 (n) “Juvenile detention facility” means: (1) Any secure public or pri-  
22 vate facility which is used for the lawful custody of accused or adjudicated  
23 juvenile offenders and which shall not be a jail;

24 (2) any level VI treatment facility licensed by the Kansas department  
25 of health and environment which is a psychiatric residential treatment  
26 facility for individuals under the age of 21 which conforms with the reg-  
27 ulations of the centers for medicare/medicaid services and the joint com-  
28 mission on accreditation of health care organizations governing such fa-  
29 cilities; and

30 (3) the Forbes Juvenile Attention Facility, the Sappa Valley Youth  
31 Ranch of Oberlin, Salvation Army/Koch Center Youth Services, the Clar-  
32 ence M. Kelley Youth Center, the Clarence M. Kelley Transitional Living  
33 Center, Trego County Secure Care Center, St. Francis Academy at At-  
34 chison, St. Francis Academy at Ellsworth, St. Francis Academy at Salina,  
35 St. Francis Center at Salina, King’s Achievement Center, and Liberty  
36 Juvenile Services and Treatment.

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

41 (p) “Virtual school” means any kindergarten or grades one through  
42 12 course offered for credit that uses distance-learning technologies which  
43 predominantly use internet-based methods to deliver instruction and for

1 *which the course content is available on an “anytime, anyplace” basis,*  
2 *but the instruction occurs asynchronously with the teacher and pupil in*  
3 *separate locations, not necessarily located within a local education agency.*

4 **Sec. 2. K.S.A. 72-6757 is hereby amended to read as follows:**  
5 **72-6757. (a) As used in this section:**

6 (1) **“Receiving school district” means a school district of non-**  
7 **residence of a pupil who attends school in such school district.**

8 (2) **“Sending school district” means a school district of resi-**  
9 **dence of a pupil who attends school in a school district not of the**  
10 **pupil’s residence.**

11 (b) **The board of education of any school district may make and**  
12 **enter into contracts with the board of education of any receiving**  
13 **school district located in this state for the purpose of providing for**  
14 **the attendance of pupils at school in the receiving school district.**

15 (c) **The board of education of any school district *located in this***  
16 ***state* may make and enter into contracts with the governing au-**  
17 **thority of any accredited school district located in another state**  
18 **for the purpose of providing for the attendance of pupils from this**  
19 **state at school in such other state or for the attendance of pupils**  
20 **from such other state at school in this state.**

21 (d) **Pupils attending school in a receiving school district in ac-**  
22 **cordance with a contract authorized by this section and made and**  
23 **entered into by such receiving school district with a sending school**  
24 **district located in this state shall be counted as regularly enrolled**  
25 **in and attending school in the sending school district for the pur-**  
26 **pose of computations under the school district finance and quality**  
27 **performance act.**

28 (e) **Any contract made and entered into under authority of this**  
29 **section is subject to the following conditions:**

30 (1) **The contract shall be for the benefit of pupils who reside**  
31 **at inconvenient or unreasonable distances from the schools main-**  
32 **tained by the sending school district or for pupils who, for any**  
33 **other reason deemed sufficient by the board of education of the**  
34 **sending school district, should attend school in a receiving school**  
35 **district;**

36 (2) **the contract shall make provision for the payment of tuition**  
37 **by the sending school district to the receiving school district; and**

38 (3) **if a sending school district is located in this state and the receiving**  
39 **school district is located in another state, the amount of tuition provided**  
40 **to be paid for the attendance of a pupil or pupils at school in the receiving**  
41 **school district shall not exceed ½ of the amount of the budget per pupil**  
42 **of the sending school district under the school district finance and quality**  
43 **performance act for the current school year, and**

1 ~~—(4)~~ **the contract shall make provision for transportation of pu-**  
2 **pils to and from the school attended on every school day.**

3 **(f) Amounts received pursuant to contracts made and entered**  
4 **into under authority of this section by a school district located in**  
5 **this state for enrollment and attendance of pupils at school in reg-**  
6 **ular educational programs shall be deposited in the general fund**  
7 **of the school district.**

8 **(g)** ~~The provisions of subsection (e)(3) do not apply to unified school~~  
9 ~~district No. 104, Jewell county.~~

10 ~~—(h)~~ **The provisions of this section do not apply to contracts**  
11 **made and entered into under authority of the special education**  
12 **for exceptional children act.**

13 ~~(†)~~ **(h) The provisions of this section are deemed to be alter-**  
14 **native to the provisions of K.S.A. 72-8233, and amendments**  
15 **thereto, and no procedure or authorization under K.S.A. 72-8233,**  
16 **and amendments thereto, shall be limited by the provisions of this**  
17 **section.**

18 **Sec. 2 3. K.S.A. 72-6757 and K.S.A. 2003 Supp. 72-6407 is are**  
19 **hereby repealed.**

20 **Sec. 3 4. This act shall take effect and be in force from and after its**  
21 **publication in the statute book.**