

As Amended by House Committee

Session of 2008

HOUSE BILL No. 2870

By Representative Aurand

2-13

10 ~~AN ACT concerning school districts, relating to teachers, amending~~
11 ~~K.S.A. 2007 Supp. 72-5413 and repealing the existing section. An Act~~
12 ~~concerning school districts; relating to teachers; amending~~
13 ~~K.S.A. 72-1413, 72-1414 and 72-1415 and K.S.A. 2007 Supp. 72-~~
14 ~~6407 and repealing the existing sections.~~
15

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

17 ~~New Section 1. (a) As used in this section:~~

18 ~~—(1) “State board” means the state board of education.~~

19 ~~—(2) “Board of education” means the board of education of a school~~
20 ~~district.~~

21 ~~—(3) “Hard-to-fill teaching discipline” means the disciplines of math-~~
22 ~~ematics, science, special education or a teaching discipline in which there~~
23 ~~is a critical shortage of teachers as determined and specified by the state~~
24 ~~board.~~

25 ~~—(b) In order to recruit or retain teachers who are endorsed to teach~~
26 ~~in hard-to-fill teaching disciplines, the board of education may enter into~~
27 ~~an agreement with any such teacher under which the board agrees to pay~~
28 ~~such teacher a bonus or a salary which exceeds the amount of salary paid~~
29 ~~to other teachers employed by the district who have similar qualifications~~
30 ~~and experience but who are not endorsed to teach in hard-to-fill teaching~~
31 ~~disciplines.~~

32 ~~New Sec. 2. (a) As used in this section:~~

33 ~~—(1) “State board” means the state board of education.~~

34 ~~—(2) “Board of education” means the board of education of a school~~
35 ~~district.~~

36 ~~—(3) “Hard-to-fill teaching discipline” means the disciplines of math-~~
37 ~~ematics or science taught in any of the grades seven through 12.~~

38 ~~—(4) “School district” means any school district which has entered into~~
39 ~~an agreement under which the board of education agrees to pay a teacher~~
40 ~~endorsed in a hard-to-fill teaching discipline a bonus or a salary which~~
41 ~~exceeds, by at least 5%, the amount of salary paid to other teachers em-~~
42 ~~ployed by the district who have similar qualifications and experience but~~
43 ~~who are not endorsed to teach in a hard-to-fill teaching discipline.~~

1 ~~—(2)—Any school district entering an agreement with a teacher pursuant~~
2 ~~to this section may apply for a grant of state moneys for the purpose of~~
3 ~~providing stipends to such teachers. In order to be eligible to receive a~~
4 ~~grant of state moneys, a board of education shall submit to the state board~~
5 ~~of education an application for a grant in such form and manner as re-~~
6 ~~quired by the state board. The application shall be submitted at a time~~
7 ~~to be determined and specified by the state board. Subject to the limi-~~
8 ~~tations of appropriations, the state board of education shall determine the~~
9 ~~amount of grants to be awarded school districts by multiplying an amount~~
10 ~~not to exceed \$1,000 by the number of teachers employed by the district~~
11 ~~who are endorsed in a hard-to-fill teaching discipline. The product is the~~
12 ~~amount of the grant to be awarded to the district. Amounts received as~~
13 ~~a grant shall be deposited in the general fund of the school district and~~
14 ~~shall be considered reimbursements for the purpose of the school district~~
15 ~~finance and quality performance act. The full amount of the grant shall~~
16 ~~be allocated among the teachers employed by the district who are en-~~
17 ~~ded in hard-to-fill teaching discipline so as to provide each such~~
18 ~~teacher with an annual stipend in an amount not to exceed \$1,000. Such~~
19 ~~annual stipend shall be over and above the regular salary to which the~~
20 ~~teacher is entitled for the school year.~~

21 ~~—Sec. 3.—K.S.A. 2007 Supp. 72-5413 is hereby amended to read as~~
22 ~~follows: 72-5413. As used in this act and in acts amendatory thereof or~~
23 ~~supplemental thereto:~~

24 ~~—(a)—The term “persons” includes one or more individuals, organiza-~~
25 ~~tions, associations, corporations, boards, committees, commissions, agen-~~
26 ~~cies, or their representatives.~~

27 ~~—(b)—“Board of education” means the board of education of any school~~
28 ~~district, the board of control of any area vocational-technical school, and~~
29 ~~the board of trustees of any community college.~~

30 ~~—(c)—“Professional employee” means any person employed by a board~~
31 ~~of education in a position which requires a certificate issued by the state~~
32 ~~board of education or employed by a board of education in a professional,~~
33 ~~educational or instructional capacity, but shall not mean any such person~~
34 ~~who is an administrative employee and, commencing in the 2006-2007~~
35 ~~school year, shall not mean any person who is a retirant from school~~
36 ~~employment of the Kansas public employees retirement system, regard-~~
37 ~~less of whether an agreement between a board of education and an ex-~~
38 ~~clusive representative of professional employees that covers terms and~~
39 ~~conditions of professional service provides to the contrary.~~

40 ~~—(d)—“Administrative employee” means, in the case of a school district,~~
41 ~~any person who is employed by a board of education in an administrative~~
42 ~~capacity and who is fulfilling duties for which an administrator’s certificate~~
43 ~~is required under K.S.A. 72-7513, and amendments thereto, and, in the~~

- 1 ease of an area vocational technical school or community college, any
2 person who is employed by the board of control or the board of trustees
3 in an administrative capacity and who is acting in that capacity and who
4 has authority, in the interest of the board of control or the board of
5 trustees, to hire, transfer, suspend, layoff, recall, promote, discharge, as-
6 sign, reward or discipline other employees, or responsibly to direct them
7 or to adjust their grievances, or effectively to recommend a preponder-
8 ance of such actions, if in connection with the foregoing, the exercise of
9 such authority is not of a merely routine or clerical nature, but requires
10 the use of independent judgment.
- 11 —(c)—“Professional employees’ organizations” means any one or more
12 organizations, agencies, committees, councils or groups of any kind in
13 which professional employees participate, and which exist for the pur-
14 pose, in whole or part, of engaging in professional negotiation with boards
15 of education with respect to the terms and conditions of professional
16 service.
- 17 —(f)—“Representative” means any professional employees’ organization
18 or any person it authorizes or designates to act in its behalf or any person
19 a board of education authorizes or designates to act in its behalf.
- 20 —(g)—“Professional negotiation” means meeting, conferring, consulting
21 and discussing in a good faith effort by both parties to reach agreement
22 with respect to the terms and conditions of professional service.
- 23 —(h)—“Mediation” means the effort through interpretation and advice
24 by an impartial third party to assist in reconciling a dispute concerning
25 terms and conditions of professional service which arose in the course of
26 professional negotiation between a board of education or its representa-
27 tives and representatives of the recognized professional employees’
28 organization.
- 29 —(i)—“Fact finding” means the investigation by an individual or board
30 of a dispute concerning terms and conditions of professional service which
31 arose in the course of professional negotiation, and the submission of a
32 report by such individual or board to the parties to such dispute which
33 includes a determination of the issues involved, findings of fact regarding
34 such issues, and the recommendation of the fact-finding individual or
35 board for resolution of the dispute.
- 36 —(j)—“Strike” means an action taken for the purpose of coercing a
37 change in the terms and conditions of professional service or the rights,
38 privileges or obligations thereof, through any failure by concerted action
39 with others to report for duty including, but not limited to, any work
40 stoppage, slowdown, or refusal to work.
- 41 —(k)—“Lockout” means action taken by a board of education to provoke
42 interruptions of or prevent the continuity of work normally and usually
43 performed by the professional employees for the purpose of coercing

1 professional employees into relinquishing rights guaranteed by this act
2 and the act of which this section is amendatory.

3 —(1) (1) “Terms and conditions of professional service” means (A) sal-
4 aries and wages, including pay for duties under supplemental contracts;
5 hours and amounts of work, vacation allowance, holiday, sick, extended,
6 sabbatical, and other leave, and number of holidays; retirement, insurance
7 benefits, wearing apparel, pay for overtime, jury duty, grievance proce-
8 dure, including binding arbitration of grievances; disciplinary procedure;
9 resignations; termination and nonrenewal of contracts; reemployment of
10 professional employees, terms and form of the individual professional
11 employee contract, probationary period, professional employee appraisal
12 procedures; each of the foregoing being a term and condition of profes-
13 sional service, regardless of its impact on the employee or on the opera-
14 tion of the educational system; (B) matters which relate to privileges to
15 be granted the recognized professional employees’ organization includ-
16 ing, but not limited to, voluntary payroll deductions; use of school or
17 college facilities for meetings; dissemination of information regarding the
18 professional negotiation process and related matters to members of the
19 bargaining unit on school or college premises through direct contact with
20 members of the bargaining unit, the use of bulletin boards on or about
21 the facility, and the use of the school or college mail system to the extent
22 permitted by law; reasonable leaves of absence for members of the bar-
23 gaining unit for organizational purposes such as engaging in professional
24 negotiation and partaking of instructional programs properly related to
25 the representation of the bargaining unit; any of the foregoing privileges
26 which are granted the recognized professional employees’ organization
27 through the professional negotiation process shall not be granted to any
28 other professional employees’ organization, and (C) such other matters
29 as the parties mutually agree upon as properly related to professional
30 service including, but not limited to, employment incentive or retention
31 bonuses authorized under K.S.A. 72-8246 and amendments thereto.

32 —(2) Nothing in this act, and amendments thereto, shall authorize the
33 diminution of any right, duty or obligation of either the professional em-
34 ployee or the board of education which have been fixed by statute or by
35 the constitution of this state. Except as otherwise expressly provided in
36 this subsection (1), the fact that any matter may be the subject of a statute
37 or the constitution of this state does not preclude negotiation thereon so
38 long as the negotiation proposal would not prevent the fulfillment of the
39 statutory or constitutional objective.

40 —(3) Matters which relate to the duration of the school term, and spe-
41 cifically to consideration and determination by a board of education of
42 the question of the development and adoption of a policy to provide for
43 a school term consisting of school hours, are not included within the

1 meaning of terms and conditions of professional service and are not sub-
 2 ject to professional negotiation.

3 ~~(4) Notwithstanding the provisions of paragraph (1), salaries or bo-~~
 4 ~~nus paid pursuant to agreements entered into pursuant to section 1, and~~
 5 ~~amendments thereto, are not included within the meaning of terms and~~
 6 ~~conditions of professional service and are not subject to professional~~
 7 ~~negotiation.~~

8 —(m) “Secretary” means the secretary of labor or a designee thereof.

9 —(n) “Statutory declaration of impasse date” means June 1 in the cur-
 10 rent school year.

11 —(o) “Supplemental contracts” means contracts for employment duties
 12 other than those services covered in the principal or primary contract of
 13 employment of the professional employee and shall include, but not be
 14 limited to, such services as coaching, supervising, directing and assisting
 15 extracurricular activities, chaperoning, ticket taking, lunchroom supervi-
 16 sion, and other similar and related activities.

17 ~~—Sec. 4. K.S.A. 2007 Supp. 72-5413 is hereby repealed.~~

18 **New Section 1. (a) As used in this subsection:**

19 (1) “State board” means the state board of education.

20 (2) “Board of education” means the board of education of a
 21 school district.

22 (3) “Hard-to-fill teaching discipline” means the disciplines of
 23 mathematics or science taught in any of the grades nine through
 24 12.

25 (4) “School district” means any school district which pays a
 26 teacher who is endorsed and teaching in a hard-to-fill teaching
 27 discipline an employment incentive or retention bonus.

28 (5) “Employment incentive or retention bonus” or “bonus”
 29 means an employment incentive or retention bonus authorized by
 30 K.S.A. 72-8246, and amendments thereto, which is equal in amount
 31 to at least 5% of the amount of the base salary paid to teachers
 32 employed by the district who have similar qualifications and ex-
 33 perience but who are not endorsed to teach in a hard-to-fill teach-
 34 ing discipline.

35 (b) Any school district which pays an employment incentive or
 36 retention bonus may apply for a grant of state moneys for the pur-
 37 pose of providing stipends to such teachers. In order to be eligible
 38 to receive a grant of state moneys, a board of education shall sub-
 39 mit to the state board of education an application for a grant in
 40 such form and manner as required by the state board. The appli-
 41 cation shall be submitted at a time to be determined and specified
 42 by the state board. Subject to the limitations of appropriations, the
 43 state board of education shall determine the amount of grants to

1 be awarded school districts by multiplying an amount not to exceed
 2 \$1,000 by the number of teachers employed by the district who
 3 are endorsed in a hard-to-fill teaching discipline. The product is
 4 the amount of the grant to be awarded to the district. Amounts
 5 received as a grant shall be deposited in the general fund of the
 6 school district and shall be considered reimbursements for the
 7 purpose of the school district finance and quality performance act.
 8 The full amount of the grant shall be allocated among the teachers
 9 employed by the district who are endorsed and teaching in hard-
 10 to-fill teaching disciplines so as to provide each such teacher with
 11 an annual stipend in an amount not to exceed \$1,000. Such annual
 12 stipend shall be over and above the salary to which the teacher is
 13 entitled for the school year and any employment or incentive
 14 bonus.

15 New Sec. 2. (a) The mentor teacher weighting of each school
 16 district shall be determined by the state board as follows:

17 (1) Determine the number of mentor teachers in each school
 18 district; and

19 (2) multiply the the number determined under paragraph (1)
 20 by .23. The product is the mentor teacher weighting of the district.

21 (b) As used in this section, “mentor teacher” shall have the
 22 meanings ascribed thereto by K.S.A. 72-1412, and amendments
 23 thereto.

24 (c) The provisions of this section shall be part of and supple-
 25 mental to the school district finance and quality performance act.

26 Sec. 3. K.S.A. 72-1413 is hereby amended to read as follows:

27 72-1413. (a) The board of education of each school district may
 28 establish and maintain a mentor teacher program and, commencing
 29 with the 2001-02 school year, may apply for a grant of state moneys for
 30 the purpose of providing stipends for mentor teachers.

31 ~~—(b)—~~ To be eligible to receive a grant of state moneys for maintenance
 32 of a mentor teacher program, a board of education shall submit to the
 33 state board of education an application for a grant and a description of
 34 the program. The application and description shall be prepared in such
 35 form and manner as the state board shall require and shall be submitted
 36 at a time to be determined and specified by the state board. Approval by
 37 the state board of the program and the application is prerequisite to the
 38 award of a grant.

39 ~~—(e) (b)~~ Each board of education which is awarded a grant for main-
 40 tenance of *has established and maintains* a mentor teacher program
 41 shall make such periodic and special reports of statistical and fi-
 42 nancial information to the state board of education as it may
 43 request.

1 **Sec. 4. K.S.A. 72-1414 is hereby amended to read as follows:**
 2 **72-1414. (a) ~~On or before January 1, 2001, The state board of edu-~~**
 3 **cation shall adopt rules and regulations for the administration of**
 4 **mentor teacher programs and shall:**

5 **(1) Establish standards and criteria for evaluating and approv-**
 6 **ing mentor teacher programs and applications of school districts for**
 7 **grants;**

8 **(2) evaluate and approve mentor teacher programs;**

9 **(3) establish criteria for determination of exemplary teaching**
 10 **ability of certificated teachers for qualification as mentor teachers;**

11 **(4) prescribe guidelines for the selection by boards of educa-**
 12 **tion of mentor teachers and for the provision by boards of edu-**
 13 **cation of training programs for mentor teachers; and**

14 **(5) be responsible for awarding grants to school districts; and**
 15 **~~—(6) request of and receive from each school district which is~~**
 16 **awarded a grant for maintenance of *has established and maintains* a men-**
 17 **tor teacher program reports containing information with regard**
 18 **to the effectiveness of the program.**

19 **(b) Subject to the availability of appropriations for mentor teacher**
 20 **programs maintained by school districts, and within the limits of any such**
 21 **appropriations, the state board of education shall determine the amount**
 22 **of grants to be awarded school districts by multiplying an amount not to**
 23 **exceed \$1,000 by the number of mentor teachers participating in the**
 24 **program maintained by a school district. The product is the amount of**
 25 **the grant to be awarded to the district. Upon receipt of a grant of state**
 26 **moneys for maintenance of a mentor teacher program, the amount of the**
 27 **grant shall be deposited in the general fund of the school district. Moneys**
 28 **deposited in the general fund of a school district under this subsection**
 29 **shall be considered reimbursements for the purpose of the school district**
 30 **finance and quality performance act. The full amount of the grant shall**
 31 **be allocated among the mentor teachers employed by the school district**
 32 **so as to provide a *School districts which maintain a mentor teacher pro-***
 33 **gram shall pay each mentor teacher with an annual stipend in an**
 34 **amount not to exceed \$1,000 *.23 times base state aid per pupil*. Such**
 35 **annual stipend shall be over and above the regular salary to which**
 36 **the mentor teacher is entitled for the school year.**

37 **Sec. 5. K.S.A. 72-1415 is hereby amended to read as follows:**
 38 **72-1415. The state board of education shall provide any board,**
 39 **upon request, with technical advice and assistance regarding the**
 40 **establishment and maintenance of a mentor teacher program ~~or~~**
 41 **an application for a grant of state moneys.**

42 **Sec. 6. K.S.A. 2007 Supp. 72-6407 is hereby amended to read**
 43 **as follows: 72-6407. (a) (1) “Pupil” means any person who is reg-**

1 ularly enrolled in a district and attending kindergarten or any of
2 the grades one through 12 maintained by the district or who is
3 regularly enrolled in a district and attending kindergarten or any
4 of the grades one through 12 in another district in accordance with
5 an agreement entered into under authority of K.S.A. 72-8233, and
6 amendments thereto, or who is regularly enrolled in a district and
7 attending special education services provided for preschool-aged
8 exceptional children by the district.

9 (2) Except as otherwise provided in paragraph (3) of this sub-
10 section, a pupil in attendance full time shall be counted as one
11 pupil. A pupil in attendance part time shall be counted as that
12 proportion of one pupil (to the nearest $\frac{1}{10}$) that the pupil's attend-
13 ance bears to full-time attendance. A pupil attending kindergarten
14 shall be counted as $\frac{1}{2}$ pupil. A pupil enrolled in and attending an
15 institution of postsecondary education which is authorized under
16 the laws of this state to award academic degrees shall be counted
17 as one pupil if the pupil's postsecondary education enrollment and
18 attendance together with the pupil's attendance in either of the
19 grades 11 or 12 is at least $\frac{5}{6}$ time, otherwise the pupil shall be
20 counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that
21 the total time of the pupil's postsecondary education attendance
22 and attendance in grade 11 or 12, as applicable, bears to full-time
23 attendance. A pupil enrolled in and attending an area vocational
24 school, area vocational-technical school or approved vocational ed-
25 ucation program shall be counted as one pupil if the pupil's vo-
26 cational education enrollment and attendance together with the
27 pupil's attendance in any of grades nine through 12 is at least $\frac{5}{6}$
28 time, otherwise the pupil shall be counted as that proportion of
29 one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil's vo-
30 cational education attendance and attendance in any of grades
31 nine through 12 bears to full-time attendance. A pupil enrolled in
32 a district and attending special education and related services, ex-
33 cept special education and related services for preschool-aged ex-
34 ceptional children, provided for by the district shall be counted as
35 one pupil. A pupil enrolled in a district and attending special ed-
36 ucation and related services for preschool-aged exceptional chil-
37 dren provided for by the district shall be counted as $\frac{1}{2}$ pupil. A
38 preschool-aged at-risk pupil enrolled in a district and receiving
39 services under an approved at-risk pupil assistance plan main-
40 tained by the district shall be counted as $\frac{1}{2}$ pupil. A pupil in the
41 custody of the secretary of social and rehabilitation services or in
42 the custody of the commissioner of juvenile justice and enrolled
43 in unified school district No. 259, Sedgwick county, Kansas, but

1 housed, maintained, and receiving educational services at the
2 Judge James V. Riddel Boys Ranch, shall be counted as two pupils.

3 (3) A pupil residing at the Flint Hills job corps center shall not
4 be counted. A pupil confined in and receiving educational services
5 provided for by a district at a juvenile detention facility shall not
6 be counted. A pupil enrolled in a district but housed, maintained,
7 and receiving educational services at a state institution shall not
8 be counted. A pupil enrolled in a virtual school in a district but
9 who is not a resident of the state of Kansas shall not be counted.

10 (b) “Preschool-aged exceptional children” means exceptional
11 children, except gifted children, who have attained the age of
12 three years but are under the age of eligibility for attendance at
13 kindergarten.

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

18 (d) “Preschool-aged at-risk pupil” means an at-risk pupil who
19 has attained the age of four years, is under the age of eligibility
20 for attendance at kindergarten, and has been selected by the state
21 board in accordance with guidelines consonant with guidelines
22 governing the selection of pupils for participation in head start
23 programs.

24 (e) “Enrollment” means: (1) (A) Subject to the provisions of
25 paragraph (1)(B), for districts scheduling the school days or school
26 hours of the school term on a trimestral or quarterly basis, the
27 number of pupils regularly enrolled in the district on September
28 20 plus the number of pupils regularly enrolled in the district on
29 February 20 less the number of pupils regularly enrolled on Feb-
30 ruary 20 who were counted in the enrollment of the district on
31 September 20; and for districts not specified in this paragraph (1),
32 the number of pupils regularly enrolled in the district on Septem-
33 ber 20; (B) a pupil who is a foreign exchange student shall not be
34 counted unless such student is regularly enrolled in the district on
35 September 20 and attending kindergarten or any of the grades one
36 through 12 maintained by the district for at least one semester or
37 two quarters or the equivalent thereof;

38 (2) if enrollment in a district in any school year has decreased
39 from enrollment in the preceding school year, enrollment of the
40 district in the current school year means whichever is the greater
41 of (A) enrollment in the preceding school year minus enrollment
42 in such school year of preschool-aged at-risk pupils, if any such
43 pupils were enrolled, plus enrollment in the current school year

- 1 of preschool-aged at-risk pupils, if any such pupils are enrolled, or
2 (B) the sum of enrollment in the current school year of preschool-
3 aged at-risk pupils, if any such pupils are enrolled and the average
4 (mean) of the sum of (i) enrollment of the district in the current
5 school year minus enrollment in such school year of preschool-
6 aged at-risk pupils, if any such pupils are enrolled and (ii) enroll-
7 ment in the preceding school year minus enrollment in such school
8 year of preschool-aged at-risk pupils, if any such pupils were en-
9 rolled and (iii) enrollment in the school year next preceding the
10 preceding school year minus enrollment in such school year of
11 preschool-aged at-risk pupils, if any such pupils were enrolled; or
12 (3) the number of pupils as determined under K.S.A. 72-6447
13 or K.S.A. 2007 Supp. 72-6448, and amendments thereto.
- 14 (f) “Adjusted enrollment” means enrollment adjusted by add-
15 ing at-risk pupil weighting, program weighting, low enrollment
16 weighting, if any, density at-risk weighting, if any, nonproficient
17 pupil weighting, if any, high enrollment weighting, if any, declin-
18 ing enrollment weighting, if any, school facilities weighting, if any,
19 ancillary school facilities weighting, if any, cost of living weighting,
20 if any, *mentor teacher weighting*, if any, special education and related
21 services weighting, and transportation weighting to enrollment.
- 22 (g) “At-risk pupil weighting” means an addend component as-
23 signed to enrollment of districts on the basis of enrollment of at-
24 risk pupils.
- 25 (h) “Program weighting” means an addend component as-
26 signed to enrollment of districts on the basis of pupil attendance
27 in educational programs which differ in cost from regular educa-
28 tional programs.
- 29 (i) “Low enrollment weighting” means an addend component
30 assigned to enrollment of districts pursuant to K.S.A. 72-6412, and
31 amendments thereto, on the basis of costs attributable to mainte-
32 nance of educational programs by such districts in comparison
33 with costs attributable to maintenance of educational programs by
34 districts having to which high enrollment weighting is assigned
35 pursuant to K.S.A. 2007 Supp. 72-6442b, and amendments thereto.
- 36 (j) “School facilities weighting” means an addend component
37 assigned to enrollment of districts on the basis of costs attributable
38 to commencing operation of new school facilities.
- 39 (k) “Transportation weighting” means an addend component
40 assigned to enrollment of districts on the basis of costs attributable
41 to the provision or furnishing of transportation.
- 42 (l) “Cost of living weighting” means an addend component as-
43 signed to enrollment of districts to which the provisions of K.S.A.

- 1 2007 Supp. 72-6449, and amendments thereto, apply on the basis
2 of costs attributable to the cost of living in the district.
- 3 (m) “Ancillary school facilities weighting” means an addend
4 component assigned to enrollment of districts to which the provi-
5 sions of K.S.A. 72-6441, and amendments thereto, apply on the
6 basis of costs attributable to commencing operation of new school
7 facilities. Ancillary school facilities weighting may be assigned to
8 enrollment of a district only if the district has levied a tax under
9 authority of K.S.A. 72-6441, and amendments thereto, and remit-
10 ted the proceeds from such tax to the state treasurer. Ancillary
11 school facilities weighting is in addition to assignment of school
12 facilities weighting to enrollment of any district eligible for such
13 weighting.
- 14 (n) “Juvenile detention facility” has the meaning ascribed
15 thereto by 72-8187, and amendments thereto.
- 16 (o) “Special education and related services weighting” means
17 an addend component assigned to enrollment of districts on the
18 basis of costs attributable to provision of special education and
19 related services for pupils determined to be exceptional children.
- 20 (p) “Virtual school” means any kindergarten or grades one
21 through 12 course offered for credit that uses distance-learning
22 technologies which predominantly use internet-based methods to
23 deliver instruction and for which the course content is available
24 on an “anytime, anyplace” basis, but the instruction occurs asyn-
25 chronously with the teacher and pupil in separate locations, not
26 necessarily located within a local education agency.
- 27 (q) “Declining enrollment weighting” means an addend com-
28 ponent assigned to enrollment of districts to which the provisions
29 of K.S.A. 2007 Supp. 72-6451, and amendments thereto, apply on
30 the basis of reduced revenues attributable to the declining enroll-
31 ment of the district.
- 32 (r) “High enrollment weighting” means an addend component
33 assigned to enrollment of districts pursuant to K.S.A. 2007 Supp.
34 72-6442b, and amendments thereto, on the basis of costs attrib-
35 utable to maintenance of educational programs by such districts
36 as a correlate to low enrollment weighting assigned to enrollment
37 of districts pursuant to K.S.A. 72-6412, and amendments thereto.
- 38 (s) “High density at-risk pupil weighting” means an addend
39 component assigned to enrollment of districts to which the provi-
40 sions of K.S.A. 2007 Supp. 72-6455, and amendments thereto,
41 apply.
- 42 (t) “Nonproficient pupil” means a pupil who is not eligible for
43 free meals under the national school lunch act and who has scored

1 **less than proficient on the mathematics or reading state assess-**
2 **ment during the preceding school year and who is enrolled in a**
3 **district which maintains an approved proficiency assistance plan.**

4 (u) **“Nonproficient pupil weighting” means an addend com-**
5 **ponent assigned to enrollment of districts on the basis of enroll-**
6 **ment of nonproficient pupils pursuant to K.S.A. 2007 Supp. 72-**
7 **6454, and amendments thereto.**

8 (v) **“Psychiatric residential treatment facility” has the meaning**
9 **ascribed thereto by K.S.A. 72-8187, and amendments thereto.**

10 **Sec. 7. K.S.A. 72-1413, 72-1414 and 72-1415 and K.S.A. 2007**
11 **Supp. 72-6407 are hereby repealed.**

12 **Sec. ~~5~~ 8.** This act shall take effect and be in force from and after its
13 publication in the statute book.