

As Amended by House Committee

Session of 2008

SENATE BILL No. 426

By Committee on Education

1-16

10 AN ACT concerning school districts; relating to **adjusted** enrollment;
11 amending K.S.A. 2007 Supp. 72-6407 and repealing the existing
12 section.

13

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

15 **New Section 1. (a) As used in this section:**

16 (1) **Words and phrases used in this section shall have the mean-**
17 **ings ascribed thereto by K.S.A. 72-6407, and amendments thereto,**
18 **except as provided by this subsection.**

19 (2) **“School district” means U.S.D. No. 253, Emporia.**

20 (3) **“Base school year” means the school year 2007-2008.**

21 (b) **When computing the general fund budget of the school dis-**
22 **trict for school year 2008-2009, the adjusted enrollment of the**
23 **school district shall be the greater of:**

24 (1) **The adjusted enrollment of the district as defined by K.S.A.**
25 **72-6407, and amendments thereto; or**

26 (2) **Ninety-eight percent of the adjusted enrollment of the**
27 **school district in the base school year.**

28 **New Section 2. (a) As used in this section:**

29 (1) Words and phrases used in this section shall have the meanings
30 ascribed thereto by K.S.A. 72-6407, and amendments thereto, except as
31 provided by paragraphs (2), (3) and (4).

32 (2) “School district” means U.S.D. No. 101, Erie, U.S.D. No. 257,
33 Iola, U.S.D. No. 367, Osawatomie, U.S.D. No. 422, Greensburg, U.S.D.
34 No. 445, Coffeyville, U.S.D. No. 446, Independence, U.S.D. No. 461,
35 Neodesha and U.S.D. No. 484, Fredonia.

36 (3) “Disaster” means the occurrence of widespread or severe dam-
37 age, injury or loss of life or property resulting from any natural or man-
38 made cause including, but not limited to, fire, flood, earthquake, tornado,
39 wind, storm, drought, epidemics, air contamination, blight, infestation or
40 explosion and as a result of such disaster.

41 (4) “Base school year” means school year 2006-2007.

42 (b) The provisions of this section shall apply to any school district in
43 which: (1) A disaster has occurred and which is located in an area in which

1 the governor has issued a proclamation declaring a state of disaster emer-
2 gency pursuant to K.S.A. 48-924, and amendments thereto, and the pres-
3 ident of the United States, pursuant to the federal Robert T. Stafford
4 disaster relief and emergency assistance act and the federal disaster relief
5 and emergency assistance amendments of 1988, has declared a major
6 disaster to exist; and (2) as a result of the destruction or damage to housing
7 caused by such disaster the enrollment of the district declined by at least
8 25 pupils or by a number equal to 2% or more of the district's enrollment.

9 (c) When computing the general fund budget of a school district for
10 the second, third and fourth school years following the base school year,
11 the **adjusted** enrollment of the school district shall be the greater of:

12 (1) The **adjusted** enrollment of the district as defined by subsection
13 (e) of K.S.A. 72-6407, and amendments thereto; or

14 (2) the **adjusted** enrollment of the school district in the base school
15 year less any enrollment attributable to the special education weighting,
16 school facilities weighting, ancillary school facilities weighting, cost of liv-
17 ing weighting and preschool-aged at-risk pupils in the base school year;
18 plus any enrollment attributable to the special education weighting,
19 school facilities weighting, ancillary school facilities weighting, cost of liv-
20 ing weighting and preschool-aged at-risk pupils in the current school year.

21 (d) Districts desiring to determine **adjusted** enrollment under this
22 section shall submit any documentation or information required by the
23 state board.

24 Sec. 3. K.S.A. 2007 Supp. 72-6407 is hereby amended to read as
25 follows: 72-6407. (a) (1) "Pupil" means any person who is regularly en-
26 rolled in a district and attending kindergarten or any of the grades one
27 through 12 maintained by the district or who is regularly enrolled in a
28 district and attending kindergarten or any of the grades one through 12
29 in another district in accordance with an agreement entered into under
30 authority of K.S.A. 72-8233, and amendments thereto, or who is regularly
31 enrolled in a district and attending special education services provided
32 for preschool-aged exceptional children by the district.

33 (2) Except as otherwise provided in paragraph (3) of this subsection,
34 a pupil in attendance full time shall be counted as one pupil. A pupil in
35 attendance part time shall be counted as that proportion of one pupil (to
36 the nearest $\frac{1}{10}$) that the pupil's attendance bears to full-time attendance.
37 A pupil attending kindergarten shall be counted as $\frac{1}{2}$ pupil. A pupil en-
38 rolled in and attending an institution of postsecondary education which
39 is authorized under the laws of this state to award academic degrees shall
40 be counted as one pupil if the pupil's postsecondary education enrollment
41 and attendance together with the pupil's attendance in either of the
42 grades 11 or 12 is at least $\frac{5}{6}$ time, otherwise the pupil shall be counted
43 as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of

1 the pupil's postsecondary education attendance and attendance in grade
2 11 or 12, as applicable, bears to full-time attendance. A pupil enrolled in
3 and attending an area vocational school, area vocational-technical school
4 or approved vocational education program shall be counted as one pupil
5 if the pupil's vocational education enrollment and attendance together
6 with the pupil's attendance in any of grades nine through 12 is at least $\frac{5}{6}$
7 time, otherwise the pupil shall be counted as that proportion of one pupil
8 (to the nearest $\frac{1}{10}$) that the total time of the pupil's vocational education
9 attendance and attendance in any of grades nine through 12 bears to full-
10 time attendance. A pupil enrolled in a district and attending special ed-
11 ucation and related services, except special education and related services
12 for preschool-aged exceptional children, provided for by the district shall
13 be counted as one pupil. A pupil enrolled in a district and attending
14 special education and related services for preschool-aged exceptional chil-
15 dren provided for by the district shall be counted as $\frac{1}{2}$ pupil. A preschool-
16 aged at-risk pupil enrolled in a district and receiving services under an
17 approved at-risk pupil assistance plan maintained by the district shall be
18 counted as $\frac{1}{2}$ pupil. A pupil in the custody of the secretary of social and
19 rehabilitation services or in the custody of the commissioner of juvenile
20 justice and enrolled in unified school district No. 259, Sedgwick county,
21 Kansas, but housed, maintained, and receiving educational services at the
22 Judge James V. Riddell Boys Ranch, shall be counted as two pupils.

23 (3) A pupil residing at the Flint Hills job corps center shall not be
24 counted. A pupil confined in and receiving educational services provided
25 for by a district at a juvenile detention facility shall not be counted. A
26 pupil enrolled in a district but housed, maintained, and receiving edu-
27 cational services at a state institution shall not be counted. A pupil en-
28 rolled in a virtual school in a district but who is not a resident of the state
29 of Kansas shall not be counted.

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

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

36 (d) "Preschool-aged at-risk pupil" means an at-risk pupil who has
37 attained the age of four years, is under the age of eligibility for attendance
38 at kindergarten, and has been selected by the state board in accordance
39 with guidelines consonant with guidelines governing the selection of pu-
40 pils for participation in head start programs.

41 (e) "Enrollment" means: (1) (A) Subject to the provisions of para-
42 graph (1)(B), for districts scheduling the school days or school hours of
43 the school term on a trimestral or quarterly basis, the number of pupils

1 regularly enrolled in the district on September 20 plus the number of
2 pupils regularly enrolled in the district on February 20 less the number
3 of pupils regularly enrolled on February 20 who were counted in the
4 enrollment of the district on September 20; and for districts not specified
5 in this paragraph (1), the number of pupils regularly enrolled in the dis-
6 trict on September 20; (B) a pupil who is a foreign exchange student shall
7 not be counted unless such student is regularly enrolled in the district on
8 September 20 and attending kindergarten or any of the grades one
9 through 12 maintained by the district for at least one semester or two
10 quarters or the equivalent thereof;

11 (2) if enrollment in a district in any school year has decreased from
12 enrollment in the preceding school year, enrollment of the district in the
13 current school year means whichever is the greater of (A) enrollment in
14 the preceding school year minus enrollment in such school year of pre-
15 school-aged at-risk pupils, if any such pupils were enrolled, plus enroll-
16 ment in the current school year of preschool-aged at-risk pupils, if any
17 such pupils are enrolled, or (B) the sum of enrollment in the current
18 school year of preschool-aged at-risk pupils, if any such pupils are enrolled
19 and the average (mean) of the sum of (i) enrollment of the district in the
20 current school year minus enrollment in such school year of preschool-
21 aged at-risk pupils, if any such pupils are enrolled and (ii) enrollment in
22 the preceding school year minus enrollment in such school year of pre-
23 school-aged at-risk pupils, if any such pupils were enrolled and (iii) en-
24 rollment in the school year next preceding the preceding school year
25 minus enrollment in such school year of preschool-aged at-risk pupils, if
26 any such pupils were enrolled; or

27 (3) the number of pupils as determined under K.S.A. 72-6447 ~~or~~, **or**
28 K.S.A. 2007 Supp. 72-6448 *or section 1*, and amendments thereto.

29 (f) “Adjusted enrollment” means: **(1)** enrollment adjusted by adding
30 at-risk pupil weighting, program weighting, low enrollment weighting, if
31 any, density at-risk weighting, if any, nonproficient pupil weighting, if any,
32 high enrollment weighting, if any, declining enrollment weighting, if any,
33 school facilities weighting, if any, ancillary school facilities weighting, if
34 any, cost of living weighting, if any, special education and related services
35 weighting, and transportation weighting to enrollment; **or (2) adjusted**
36 **enrollment as determined under section 1 or 2, and amendments**
37 **thereto.**

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

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

43 (i) “Low enrollment weighting” means an addend component as-

1 signed to enrollment of districts pursuant to K.S.A. 72-6412, and amend-
2 ments thereto, on the basis of costs attributable to maintenance of edu-
3 cational programs by such districts in comparison with costs attributable
4 to maintenance of educational programs by districts having to which high
5 enrollment weighting is assigned pursuant to K.S.A. 2007 Supp. 72-
6 6442b, and amendments thereto.

7 (j) “School facilities weighting” means an addend component as-
8 signed to enrollment of districts on the basis of costs attributable to com-
9 mencing operation of new school facilities.

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

13 (l) “Cost of living weighting” means an addend component assigned
14 to enrollment of districts to which the provisions of K.S.A. 2007 Supp.
15 72-6449, and amendments thereto, apply on the basis of costs attributable
16 to the cost of living in the district.

17 (m) “Ancillary school facilities weighting” means an addend compo-
18 nent assigned to enrollment of districts to which the provisions of K.S.A.
19 72-6441, and amendments thereto, apply on the basis of costs attributable
20 to commencing operation of new school facilities. Ancillary school facil-
21 ities weighting may be assigned to enrollment of a district only if the
22 district has levied a tax under authority of K.S.A. 72-6441, and amend-
23 ments thereto, and remitted the proceeds from such tax to the state trea-
24 surer. Ancillary school facilities weighting is in addition to assignment of
25 school facilities weighting to enrollment of any district eligible for such
26 weighting.

27 (n) “Juvenile detention facility” has the meaning ascribed thereto by
28 72-8187, and amendments thereto.

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 (p) “Virtual school” means any kindergarten or grades one through
34 12 course offered for credit that uses distance-learning technologies
35 which predominantly use internet-based methods to deliver instruction
36 and for which the course content is available on an “anytime, anyplace”
37 basis, but the instruction occurs asynchronously with the teacher and
38 pupil in separate locations, not necessarily located within a local education
39 agency.

40 (q) “Declining enrollment weighting” means an addend component
41 assigned to enrollment of districts to which the provisions of K.S.A. 2007
42 Supp. 72-6451, and amendments thereto, apply on the basis of reduced
43 revenues attributable to the declining enrollment of the district.

- 1 (r) “High enrollment weighting” means an addend component as-
2 signed to enrollment of districts pursuant to K.S.A. 2007 Supp. 72-6442b,
3 and amendments thereto, on the basis of costs attributable to mainte-
4 nance of educational programs by such districts as a correlate to low
5 enrollment weighting assigned to enrollment of districts pursuant to
6 K.S.A. 72-6412, and amendments thereto.
- 7 (s) “High density at-risk pupil weighting” means an addend compo-
8 nent assigned to enrollment of districts to which the provisions of K.S.A.
9 2007 Supp. 72-6455, and amendments thereto, apply.
- 10 (t) “Nonproficient pupil” means a pupil who is not eligible for free
11 meals under the national school lunch act and who has scored less than
12 proficient on the mathematics or reading state assessment during the
13 preceding school year and who is enrolled in a district which maintains
14 an approved proficiency assistance plan.
- 15 (u) “Nonproficient pupil weighting” means an addend component
16 assigned to enrollment of districts on the basis of enrollment of nonprof-
17 icient pupils pursuant to K.S.A. 2007 Supp. 72-6454, and amendments
18 thereto.
- 19 (v) “Psychiatric residential treatment facility” has the meaning as-
20 cribed thereto by K.S.A. 72-8187, and amendments thereto.
- 21 Sec. ~~3~~ **4**. K.S.A. 2007 Supp. 72-6407 is hereby repealed.
- 22 Sec. ~~4~~ **5**. This act shall take effect and be in force from and after its
23 publication in the statute book.