

Sec. 190. This act shall take effect and be in force from and after its publication in the Kansas register.

† Section 45(c) was line-item vetoed.

† Section 88(q) was line-item vetoed.

† Section 88(r) was line-item vetoed.

† Section 101(n) was line-item vetoed.

(See Messages from the Governor.)

Approved April 19, 2004.

Published in the *Kansas Register* May 6, 2004.

CHAPTER 124

SENATE BILL No. 304

AN ACT relating to schools; concerning school districts; relating to the powers and duties of the state board of education and local boards of education; establishing the center for innovative school leadership; amending K.S.A. 72-6439 and K.S.A. 2003 Supp. 72-6407 and repealing the existing sections.

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

New Section 1. (a) For the purposes of the school district finance and quality performance act, and notwithstanding any provision of the act to the contrary, state financial aid for any district formed by consolidation in accordance with the statutory provisions contained in article 87 of chapter 72 of Kansas Statutes Annotated shall be computed by the state board of education as follows:

(1) Determine the amount of state financial aid each of the former districts which comprise the consolidated district received in the school year preceding the date the consolidation was completed;

(2) add the amounts determined under subsection (a)(1). If the consolidation is completed by July 1, 2005, the sum is the state financial aid of the consolidated district for the school year in which the consolidation is completed. For the next succeeding two school years, the state financial aid shall be the greater of: (1) The amount received in the preceding school year; or (2) the amount the district would receive under the school district finance and quality performance act prior to amendment by this section. If the consolidation is completed after July 1, 2005, the sum is the state financial aid of the consolidated district for the school year in which the consolidation is completed. For the next school year, the state financial aid shall be the greater of: (1) The amount received in the preceding school year; or (2) the amount the district would receive under the school district finance and quality performance act prior to amendment by this section.

(b) The provisions of this subsection shall apply only if a school district is disorganized in accordance with article 73 of chapter 72 of the Kansas Statutes Annotated, and amendments thereto, and if all the territory which comprised such disorganized district is attached to a single school district.

For the purposes of the school district finance and quality performance act, and notwithstanding any provision of the act to the contrary, state financial aid for any school district to which this subsection applies, shall be computed by the state board of education as follows:

(1) Determine the amount of state financial aid each of the former districts which comprise the enlarged district received in the school year preceding the date the consolidation was completed;

(2) add the amounts determined under subsection (b)(1). If the attachment is completed by July 1, 2005, the sum is the state financial aid of the district for the school year in which the attachment is completed. For the next succeeding two school years, the state financial aid shall be the greater of: (1) The amount received in the preceding school year; or (2) the amount the district would receive under the school district finance and quality performance act prior to amendment by this section. If the attachment is completed after July 1, 2005, the sum is the state financial aid of the district for the school year in which the attachment is completed. For the next school year, the state financial aid shall be the greater of: (1) The amount received in the preceding school year; or (2) the

amount the district would receive under the school district finance and quality performance act prior to amendment by this section.

The provisions of this subsection shall apply to any school district to which all of the territory of a disorganized district has been attached pursuant to an order issued by the state board of education during school year 2002-2003, or any time thereafter, under article 73 of chapter 72 of the Kansas Statutes Annotated, and amendments thereto.

(c) Nothing in this section shall be construed as affecting the computation of the amount of state financial aid under K.S.A. 72-6445, and amendments thereto, for districts which consolidated or disorganized prior to July 1, 2004.

New Sec. 2. (a) There is hereby established the center for innovative school leadership. The center shall be a cooperative endeavor of Emporia state university, Pittsburg state university and Fort Hays state university.

(b) The center for innovative school leadership shall:

(1) Provide consultation and assistance, upon request of school districts, for the purpose of improving administrative efficiency.

(2) Provide consultation and assistance, upon request of school districts, for the purpose of assisting school districts in administrative evaluation and problem solving.

(3) Form teams which include representatives from the fields of education, business and industry to consult with and assist school districts with improvements in administrative and efficiency issues.

(4) Form cooperative or outsourcing arrangements among school districts to assist districts in improving administrative efficiency.

(5) Provide assistance to school districts, for the purpose of improving academic efficiencies.

(c) Subject to appropriations therefor, the presidents of the three cooperating universities shall appoint a director for the center for innovative school leadership. The first three years of funding for the center shall be subject to appropriations by the state.

(d) The presidents of the three cooperating universities annually shall submit a report to the chairpersons of the senate committee on ways and means and the house committee on appropriations concerning the center's consultation to local school districts and other activities of the center undertaken pursuant to this section.

(e) The center will negotiate with school districts on the costs for utilizing services of the center. Such costs may be based on: (1) A set flat fee for services; (2) a percentage of dollars saved; or (3) a combination of (1) and (2).

Sec. 3. K.S.A. 72-6439 is hereby amended to read as follows: 72-6439. (a) In order to accomplish the mission for Kansas education, the state board of education shall design and adopt a school performance accreditation system based upon improvement in performance that reflects high academic standards and is measurable.

(b) The state board of education shall provide for assessments in the core academic areas of mathematics, science, reading, writing, and social studies, and shall establish curriculum standards for such core academic areas. The assessments shall be administered at three grade levels, as determined by the state board. The curriculum standards shall be equal to the best standards and shall be reviewed at least every three years. The state board shall ensure compatibility between the statewide assessments and the curriculum standards. Nothing in this subsection shall be construed in any manner so as to impinge upon any district's authority to determine its own curriculum.

(c) The state board of education shall determine performance levels on the statewide assessments, the achievement of which represents excellence in the academic area at the grade level to which the assessment applies. The state board should specify the measure of excellence both for individual performance and school performance on the assessments.

(d) Each school in every district shall establish a school site council composed of the principal and representatives of teachers and other school personnel, parents of pupils attending the school, the business community, and other community groups. School site councils shall be responsible for providing advice and counsel in evaluating state, school district, and school site performance goals and objectives and in determining the methods that should be employed at the school site to meet these goals and objectives. *Site councils may make recommendations and proposals to the school board regarding budgetary items and school dis-*

strict matters, including but not limited to, identifying and implementing the best practices for developing efficient and effective administrative and management functions. Site councils also may help school boards analyze the unique environment of schools, enhance the efficiency and maximize limited resources, including outsourcing arrangements and cooperative opportunities as a means to address limited budgets.

(e) On or before January 1, 1997, the state board of education shall prepare a public education performance report card consisting of statewide aggregated data pertaining to performance on statewide assessments and other measurable performance indicators specified by the state board as part of the accreditation system. The report card shall be designed to show comparative data over multiple years, as determined by the state board. In addition to the public education performance report card, the state board shall prepare a school building report card for each school building operated by a district and shall provide the board of each district with information showing the statewide data and school building data, including multiple year data.

(f) Under the direction of Kansas, Inc., and subject to appropriations therefor, a study evaluating changes in pupil performance attributable to the school accreditation system shall be conducted between July 1 and November 30, 1997. The main purpose of the study shall be to ascertain, through evaluation of the 48 school districts that began implementation of the school performance accreditation process in the 1991-92 school year, the extent of the change in pupil academic performance under the system and to provide an explanation of the factors that have contributed materially to the changes that have occurred. The study shall be based on data for the 1996-97 school year. The results of the study shall be reported to the legislature at the commencement of the 1998 session. Kansas, Inc. shall convene an advisory committee for assistance in designing the study, providing direction for the conducting of research, analyzing research findings, and preparing the report of the results of the study. The advisory committee shall consist of not less than seven and not more than 11 members and shall be representative of the state board of education, teachers, school administrators, boards of education, business, and the public. Members of the advisory committee attending meetings of the committee or subcommittee meetings authorized by Kansas, Inc. shall be paid amounts provided for in subsection (e) of K.S.A. 75-3223, and amendments thereto.

Sec. 4. K.S.A. 2003 Supp. 72-6407 is hereby amended to read as follows: 72-6407. (a) (1) "Pupil" means any person who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 maintained by the district or who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 in another district in accordance with an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto, or who is regularly enrolled in a district and attending special education services provided for preschool-aged exceptional children by the district.

(2) Except as otherwise provided in *paragraph (3) of this subsection*, a pupil in attendance full time shall be counted as one pupil. A pupil in attendance part time shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the pupil's attendance bears to full-time attendance. A pupil attending kindergarten shall be counted as $\frac{1}{2}$ pupil. A pupil enrolled in and attending an institution of postsecondary education which is authorized under the laws of this state to award academic degrees shall be counted as one pupil if the pupil's postsecondary education enrollment and attendance together with the pupil's attendance in either of the grades 11 or 12 is at least $\frac{5}{6}$ time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil's postsecondary education attendance and attendance in grade 11 or 12, as applicable, bears to full-time attendance. A pupil enrolled in and attending an area vocational school, area vocational-technical school or approved vocational education program shall be counted as one pupil if the pupil's vocational education enrollment and attendance together with the pupil's attendance in any of grades nine through 12 is at least $\frac{5}{6}$ time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil's vocational education attendance and attendance in any of grades nine through 12 bears to full-time attendance. A pupil enrolled in a district and attending special education and related services, except special education and related services

for preschool-aged exceptional children, provided for by the district shall be counted as one pupil. A pupil enrolled in a district and attending special education and related services for preschool-aged exceptional children provided for by the district shall be counted as $\frac{1}{2}$ pupil. A preschool-aged at-risk pupil enrolled in a district and receiving services under an approved at-risk pupil assistance plan maintained by the district shall be counted as $\frac{1}{2}$ pupil. A pupil in the custody of the secretary of social and rehabilitation services and enrolled in unified school district No. 259, Sedgwick county, Kansas, but housed, maintained, and receiving educational services at the Judge James V. Riddel Boys Ranch, shall be counted as two pupils.

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

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

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

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

(e) "Enrollment" means: (1) For districts scheduling the school days or school hours of the school term on a trimestral or quarterly basis, the number of pupils regularly enrolled in the district on September 20 plus the number of pupils regularly enrolled in the district on February 20 less the number of pupils regularly enrolled on February 20 who were counted in the enrollment of the district on September 20; and for districts not specified in this clause (1), the number of pupils regularly enrolled in the district on September 20; (2) if enrollment in a district in any school year has decreased from enrollment in the preceding school year, enrollment of the district in the current school year means whichever is the greater of (A) enrollment in the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled, plus enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled, or (B) the sum of enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled and the average (mean) of the sum of (i) enrollment of the district in the current school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils are enrolled and (ii) enrollment in the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled and (iii) enrollment in the school year next preceding the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled; or (3) the number of pupils as determined under K.S.A. 72-6447, and amendments thereto.

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

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

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

(i) "Low enrollment weighting" means an addend component assigned to enrollment of districts having under 1,725 enrollment on the basis of costs attributable to maintenance of educational programs by such

districts in comparison with costs attributable to maintenance of educational programs by districts having 1,725 or over enrollment.

(j) “School facilities weighting” means an addend component assigned to enrollment of districts on the basis of costs attributable to commencing operation of new school facilities. School facilities weighting may be assigned to enrollment of a district only if the district has adopted a local option budget and budgeted therein the total amount authorized for the school year. School facilities weighting may be assigned to enrollment of the district only in the school year in which operation of a new school facility is commenced and in the next succeeding school year.

(k) “Transportation weighting” means an addend component assigned to enrollment of districts on the basis of costs attributable to the provision or furnishing of transportation.

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

(m) “Ancillary school facilities weighting” means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 72-6441, and amendments thereto, apply on the basis of costs attributable to commencing operation of new school facilities. Ancillary school facilities weighting may be assigned to enrollment of a district only if the district has levied a tax under authority of K.S.A. 72-6441, and amendments thereto, and remitted the proceeds from such tax to the state treasurer. Ancillary school facilities weighting is in addition to assignment of school facilities weighting to enrollment of any district eligible for such weighting.

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

(2) any level VI treatment facility licensed by the Kansas department of health and environment which is a psychiatric residential treatment facility for individuals under the age of 21 which conforms with the regulations of the centers for medicare/medicaid services and the joint commission on accreditation of health care organizations governing such facilities; and

(3) the Forbes Juvenile Attention Facility, the Sappa Valley Youth Ranch of Oberlin, Salvation Army/Koch Center Youth Services, the Clarence M. Kelley Youth Center, the Clarence M. Kelley Transitional Living Center, Trego County Secure Care Center, St. Francis Academy at Atchison, St. Francis Academy at Ellsworth, St. Francis Academy at Salina, St. Francis Center at Salina, King’s Achievement Center, and Liberty Juvenile Services and Treatment.

(o) “Special education and related services weighting” means an addend component assigned to enrollment of districts on the basis of costs attributable to provision of special education and related services for pupils determined to be exceptional children.

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

New Sec. 5. (a) As used in this section:

(1) “Medication” means a medicine for the treatment of anaphylactic reactions or asthma which is prescribed by: (A) A physician licensed to practice medicine and surgery; (B) an advanced registered nurse practitioner issued a certificate of qualification pursuant to K.S.A. 65-1131, and amendments thereto, who has authority to prescribe drugs as provided by K.S.A. 65-1130, and amendments thereto; or (C) a physician assistant licensed pursuant to the physician assistant licensure act who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-28a08, and amendments thereto.

(2) “School” means any school property or grounds upon which is located a building or structure used by a school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of students enrolled in kindergarten or any of the grades one through 12 or at any school sponsored activity or event.

(b) Each school district shall adopt a policy authorizing the self-administration of medication by students in grades 6 through 12. A school district may adopt a policy authorizing the self-administration of medication for students in kindergarten and grades 1 through 5. A student shall meet all requirements of a policy adopted pursuant to this subsection. Such policy may include, but shall not be limited to:

(1) A requirement of a written statement from the student's health care provider stating the name and purpose of the medication; the prescribed dosage; the time the medication is to be regularly administered, and any additional special circumstances under which the medication is to be administered; and the length of time for which the medication is prescribed;

(2) a requirement that the student provide a written authorization from the student's health care provider and parent or guardian stating that such student has been instructed on self-administration of the medication and is authorized to do so in school; and

(3) a requirement that the student's parent or guardian provide written authorization for the self-administration of medication.

(c) Schools may require annual renewal of parental authorization for the self-administration of medication.

(d) A school district, and its employees and agents, which authorizes the self-administration of medication in compliance with the provisions of this section shall not be liable in any action for any injury resulting from the self-administration of medication.

(e) The school district shall provide written notification to the parent or guardian of a student that the school and its employees and agents are not liable for any injury resulting from the self-administration of medication. The parent or guardian of the student shall sign a statement acknowledging that the school incurs no liability for any injury resulting from the self-administration of medication and agreeing to indemnify and holding the school, and its employees and agents, harmless against any claims relating to the self-administration of such medication.

(f) The provisions of this section shall expire on June 30, 2005.

Sec. 6. K.S.A. 72-6439 and K.S.A. 2003 Supp. 72-6407 are hereby repealed.

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

Approved May 5, 2004.
