

**HOUSE BILL No. 2270**

By Committee on Education

2-10

1 AN ACT concerning school districts; relating to school finance;  
2 nonproficient pupils; amending K.S.A. 2010 Supp. 72-6407 and 72-  
3 6438 and repealing the existing sections.

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

6 New Section 1. (a) As used in this section, "school district" or  
7 "district" means a school district authorized to make a levy under this  
8 section.

9 (b) The board of education of any district may levy a tax on the  
10 taxable tangible property within the district for the purpose of financing  
11 the costs incurred by the state that are attributable directly to assignment  
12 of the local nonproficient pupil weighting to the enrollment of the district.

13 (c) The local nonproficient pupil weighting of each district shall be  
14 determined by the state board by multiplying the number of nonproficient  
15 pupils included in enrollment of the district, as defined by K.S.A. 72-  
16 6407, and amendments thereto, by the difference of the multiplication  
17 factor set forth in subsection (a) of K.S.A. 72-6414, and amendments  
18 thereto, and the multiplication factor set forth in subsection (a) of K.S.A.  
19 2010 Supp. 72-6454, and amendment thereto. The product is the local  
20 nonproficient pupil weighting of the district.

21 (d) All moneys derived from a tax imposed under this section shall  
22 be credited to the at-risk education fund. The proceeds from the tax levied  
23 by a district credited to the at-risk education fund shall be remitted to the  
24 state treasurer in accordance with the provisions of K.S.A. 75-4215, and  
25 amendments thereto. Upon receipt of each such remittance, the state  
26 treasurer shall deposit the entire amount in the state treasury to the credit  
27 of the state school district finance fund.

28 (e) No tax may be levied under this section unless the board of  
29 education adopts a resolution authorizing such a tax levy and publishes  
30 the resolution at least once in a newspaper having general circulation in  
31 the district. The resolution shall be published in substantial compliance  
32 with the following form:

33 Unified School District No. \_\_\_\_\_,  
34 \_\_\_\_\_ County, Kansas.  
35  
36

RESOLUTION

Be It Resolved that:

The board of education of the above-named school district shall be authorized to levy an ad valorem tax in an amount not to exceed the amount necessary to finance the costs attributable directly to the assignment of local nonproficient pupil weighting to the enrollment of the district. The ad valorem tax authorized by this resolution may be levied unless a petition in opposition to the same, signed by not less than 5% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 30 days after the publication of this resolution. If a petition is filed, the county election officer shall submit the question of whether the levy of such a tax shall be authorized in accordance with the provisions of this resolution to the electors of the school district at the next general election of the school district, as is specified by the board of education of the school district.

CERTIFICATE

This is to certify that the above resolution was duly adopted by the board of education of Unified School District No. \_\_\_\_\_, \_\_\_\_\_ County, Kansas, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Clerk of the board of education.

All of the blanks in the resolution shall be filled. If no petition as specified above is filed in accordance with the provisions of the resolution, the resolution authorizing the ad valorem tax levy shall become effective. If a petition is filed as provided in the resolution, the board may notify the county election officer to submit the question of whether such tax levy shall be authorized. If the board fails to notify the county election officer within 30 days after a petition is filed, the resolution shall be deemed abandoned and of no force and effect and no like resolution shall be adopted by the board within the nine months following publication of the resolution. If a majority of the votes cast in an election conducted pursuant to this provision are in favor of the resolution, such resolution shall be effective on the date of such election. If a majority of the votes cast are not in favor of the resolution, the resolution shall be deemed of no effect and no like resolution shall be adopted by the board within the nine months following such election.

(f) This section shall be part of and supplemental to the school district finance and quality performance act.

Sec. 2. K.S.A. 2010 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

1 another district in accordance with an agreement entered into under  
2 authority of K.S.A. 72-8233, and amendments thereto, or who is regularly  
3 enrolled in a district and attending special education services provided for  
4 preschool-aged exceptional children by the district.

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

1 maintained, and receiving educational services at the Judge James V.  
2 Riddel Boys Ranch, shall be counted as two pupils. Except as provided in  
3 section 1 of chapter 76 of the 2009 Session Laws of the state of Kansas,  
4 and amendments thereto, a pupil in the custody of the secretary of social  
5 and rehabilitation services or in the custody of the commissioner of  
6 juvenile justice and enrolled in unified school district No. 409, Atchison,  
7 Kansas, but housed, maintained and receiving educational services at the  
8 youth residential center located on the grounds of the former Atchison  
9 juvenile correctional facility, shall be counted as two pupils.

10 (3) A pupil residing at the Flint Hills job corps center shall not be  
11 counted. A pupil confined in and receiving educational services provided  
12 for by a district at a juvenile detention facility shall not be counted. A  
13 pupil enrolled in a district but housed, maintained, and receiving  
14 educational services at a state institution or a psychiatric residential  
15 treatment facility shall not be counted.

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

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

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

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

40 (2) if enrollment in a district in any school year has decreased from  
41 enrollment in the preceding school year, enrollment of the district in the  
42 current school year means whichever is the greater of (A) enrollment in  
43 the preceding school year minus enrollment in such school year of

1 preschool-aged at-risk pupils, if any such pupils were enrolled, plus  
2 enrollment in the current school year of preschool-aged at-risk pupils, if  
3 any such pupils are enrolled, or (B) the sum of enrollment in the current  
4 school year of preschool-aged at-risk pupils, if any such pupils are  
5 enrolled and the average (mean) of the sum of (i) enrollment of the  
6 district in the current school year minus enrollment in such school year of  
7 preschool-aged at-risk pupils, if any such pupils are enrolled and (ii)  
8 enrollment in the preceding school year minus enrollment in such school  
9 year of preschool-aged at-risk pupils, if any such pupils were enrolled  
10 and (iii) enrollment in the school year next preceding the preceding  
11 school year minus enrollment in such school year of preschool-aged at-  
12 risk pupils, if any such pupils were enrolled; or

13 (3) the number of pupils as determined under K.S.A. 72-6447 or  
14 K.S.A. 2010 Supp. 72-6448, and amendments thereto.

15 (f) "Adjusted enrollment" means: (1) Enrollment adjusted by adding  
16 at-risk pupil weighting, program weighting, low enrollment weighting, if  
17 any, high density at-risk pupil weighting, if any, medium density at-risk  
18 pupil weighting, if any, nonproficient pupil weighting, if any, *local*  
19 *nonproficient pupil weighting, if any*, high enrollment weighting, if any,  
20 declining enrollment weighting, if any, school facilities weighting, if any,  
21 ancillary school facilities weighting, if any, cost of living weighting, if  
22 any, special education and related services weighting, and transportation  
23 weighting to enrollment; or (2) adjusted enrollment as determined under  
24 K.S.A. 2010 Supp. 72-6457 or 72-6458, and amendments thereto.

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

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

30 (i) "Low enrollment weighting" means an addend component  
31 assigned to enrollment of districts pursuant to K.S.A. 72-6412, and  
32 amendments thereto, on the basis of costs attributable to maintenance of  
33 educational programs by such districts in comparison with costs  
34 attributable to maintenance of educational programs by districts having to  
35 which high enrollment weighting is assigned pursuant to K.S.A. 2010  
36 Supp. 72-6442b, and amendments thereto.

37 (j) "School facilities weighting" means an addend component  
38 assigned to enrollment of districts on the basis of costs attributable to  
39 commencing operation of new school facilities.

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

43 (l) "Cost of living weighting" means an addend component assigned

1 to enrollment of districts to which the provisions of K.S.A. 2010 Supp.  
2 72-6449, and amendments thereto, apply on the basis of costs attributable  
3 to the cost of living in the district.

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

14 (n) "Juvenile detention facility" has the meaning ascribed thereto by  
15 72-8187, and amendments thereto.

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

20 (p) "Virtual school" means any school or educational program that:  
21 (1) Is offered for credit; (2) uses distance-learning technologies which  
22 predominately use internet-based methods to deliver instruction; (3)  
23 involves instruction that occurs asynchronously with the teacher and  
24 pupil in separate locations; (4) requires the pupil to make academic  
25 progress toward the next grade level and matriculation from kindergarten  
26 through high school graduation; (5) requires the pupil to demonstrate  
27 competence in subject matter for each class or subject in which the pupil  
28 is enrolled as part of the virtual school; and (6) requires age-appropriate  
29 pupils to complete state assessment tests.

30 (q) "Declining enrollment weighting" means an addend component  
31 assigned to enrollment of districts to which the provisions of K.S.A. 2010  
32 Supp. 72-6451, and amendments thereto, apply on the basis of reduced  
33 revenues attributable to the declining enrollment of the district.

34 (r) "High enrollment weighting" means an addend component  
35 assigned to enrollment of districts pursuant to K.S.A. 2010 Supp. 72-  
36 6442b, and amendments thereto, on the basis of costs attributable to  
37 maintenance of educational programs by such districts as a correlate to  
38 low enrollment weighting assigned to enrollment of districts pursuant to  
39 K.S.A. 72-6412, and amendments thereto.

40 (s) "High density at-risk pupil weighting" means an addend  
41 component assigned to enrollment of districts to which the provisions of  
42 K.S.A. 2010 Supp. 72-6455, and amendments thereto, apply.

43 (t) "Nonproficient pupil" means a pupil who is not eligible for free

1 meals under the national school lunch act and who has scored less than  
2 proficient on the mathematics or reading state assessment during the  
3 preceding school year and who is enrolled in a district which maintains  
4 an approved proficiency assistance plan.

5 (u) "Nonproficient pupil weighting" means an addend component  
6 assigned to enrollment of districts on the basis of enrollment of  
7 nonproficient pupils pursuant to K.S.A. 2010 Supp. 72-6454, and  
8 amendments thereto.

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

11 (w) "Medium density at-risk pupil weighting" means an addend  
12 component assigned to enrollment of districts to which the provisions of  
13 K.S.A. 2010 Supp. 72-6459, and amendments thereto, apply.

14 (x) *"Local nonproficient pupil weighting" means an addend*  
15 *component assigned to enrollment of districts on the basis of enrollment*  
16 *of nonproficient pupils pursuant to section 1, and amendments thereto.*

17 Sec. 3. K.S.A. 2010 Supp. 72-6438 is hereby amended to read as  
18 follows: 72-6438. (a) The state school district finance fund, established  
19 by K.S.A. 1991 Supp. 72-7081, prior to its repeal, by the school district  
20 finance and quality performance act, is hereby continued in existence and  
21 shall consist of (1) all moneys credited to such fund under K.S.A. 72-  
22 6418, 72-6431, 72-6441 and K.S.A. 2010 Supp. 72-6449 and 72-6451,  
23 *and section 1*, and amendments thereto, and (2) all amounts transferred to  
24 such fund.

25 (b) The state school district finance fund shall be used for the  
26 purpose of school district finance and for no other governmental purpose.  
27 It is the intent of the legislature that the fund shall remain intact and  
28 inviolate for such purpose, and moneys in the fund shall not be subject to  
29 the provisions of K.S.A. 75-3722, 75-3725a and 75-3726a, and  
30 amendments thereto.

31 (c) Amounts in the state school district finance fund shall be  
32 allocated and distributed to school districts as a portion of general state  
33 aid entitlements provided for under this act.

34 Sec. 4. K.S.A. 2010 Supp. 72-6407 and 72-6438 are hereby  
35 repealed.

36 Sec. 5. This act shall take effect and be in force from and after its  
37 publication in the statute book.

38