

SENATE BILL No. 103

By Committee on Education

1-31

1 AN ACT concerning school districts; relating to the definition of at-risk
2 pupil; amending K.S.A. 2012 Supp. 72-6407 and repealing the existing
3 section.
4

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

6 Section 1. K.S.A. 2012 Supp. 72-6407 is hereby amended to read as
7 follows: 72-6407. (a) (1) "Pupil" means any person who is regularly
8 enrolled in a district and attending kindergarten or any of the grades one
9 through 12 maintained by the district or who is regularly enrolled in a
10 district and attending kindergarten or any of the grades one through 12 in
11 another district in accordance with an agreement entered into under
12 authority of K.S.A. 72-8233, and amendments thereto, or who is regularly
13 enrolled in a district and attending special education services provided for
14 preschool-aged exceptional children by the district.

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

1 (to the nearest $\frac{1}{10}$) that the pupil's attendance at the non-virtual school
2 bears to full-time attendance. Except as provided by this section for
3 preschool-aged exceptional children and virtual school pupils, a pupil
4 enrolled in a district and attending special education and related services,
5 provided for by the district shall be counted as one pupil. A pupil enrolled
6 in a district and attending special education and related services provided
7 for by the district and also attending a virtual school shall be counted as
8 that proportion of one pupil (to the nearest $\frac{1}{10}$) that the pupil's attendance
9 at the non-virtual school bears to full-time attendance. A pupil enrolled in a
10 district and attending special education and related services for preschool-
11 aged exceptional children provided for by the district shall be counted as
12 $\frac{1}{2}$ pupil. A preschool-aged at-risk pupil enrolled in a district and receiving
13 services under an approved at-risk pupil assistance plan maintained by the
14 district shall be counted as $\frac{1}{2}$ pupil. A pupil in the custody of the secretary
15 of social and rehabilitation services or in the custody of the commissioner
16 of juvenile justice and enrolled in unified school district No. 259,
17 Sedgwick county, Kansas, but housed, maintained, and receiving
18 educational services at the Judge James V. Riddel Boys Ranch, shall be
19 counted as two pupils. Except as provided in section 1 of chapter 76 of the
20 2009 Session Laws of the state of Kansas, and amendments thereto, a
21 pupil in the custody of the secretary of social and rehabilitation services or
22 in the custody of the commissioner of juvenile justice and enrolled in
23 unified school district No. 409, Atchison, Kansas, but housed, maintained,
24 and receiving educational services at the youth residential center located
25 on the grounds of the former Atchison juvenile correctional facility, shall
26 be counted as two pupils.

27 (3) A pupil residing at the Flint Hills job corps center shall not be
28 counted. A pupil confined in and receiving educational services provided
29 for by a district at a juvenile detention facility shall not be counted. A pupil
30 enrolled in a district but housed, maintained, and receiving educational
31 services at a state institution or a psychiatric residential treatment facility
32 shall not be counted.

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

36 (c) "At-risk pupils" means ~~pupils who are~~: (1) *A pupil who is*
37 *enrolled in any of the grades below grade four and who is eligible for free*
38 *meals under the national school lunch act and who ~~are~~ is enrolled in a*
39 *district which maintains an approved at-risk pupil assistance plan; or (2) a*
40 *pupil who is enrolled in any of the grades four through 12 and who is on*
41 *academic warning or does not meet the standard on the mathematics or*
42 *reading state assessment during the preceding school year and who is*
43 *enrolled in a district which maintains an approved proficiency assistance*

1 *plan.*

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

7 (e) "Enrollment" means: (1) (A) Subject to the provisions of
8 paragraph (1)(B), for districts scheduling the school days or school hours
9 of the school term on a trimestral or quarterly basis, the number of pupils
10 regularly enrolled in the district on September 20 plus the number of
11 pupils regularly enrolled in the district on February 20 less the number of
12 pupils regularly enrolled on February 20 who were counted in the
13 enrollment of the district on September 20; and for districts not specified
14 in this paragraph (1), the number of pupils regularly enrolled in the district
15 on September 20;

16 (B) A pupil who is a foreign exchange student shall not be counted
17 unless such student is regularly enrolled in the district on September 20
18 and attending kindergarten or any of the grades one through 12 maintained
19 by the district for at least one semester or two quarters or the equivalent
20 thereof;

21 (2) if enrollment in a district in any school year has decreased from
22 enrollment in the preceding school year, enrollment of the district in the
23 current school year means whichever is the greater of (A) enrollment in
24 the preceding school year minus enrollment in such school year of
25 preschool-aged at-risk pupils, if any such pupils were enrolled, plus
26 enrollment in the current school year of preschool-aged at-risk pupils, if
27 any such pupils are enrolled, or (B) the sum of enrollment in the current
28 school year of preschool-aged at-risk pupils, if any such pupils are
29 enrolled and the average (mean) of the sum of (i) enrollment of the district
30 in the current school year minus enrollment in such school year of
31 preschool-aged at-risk pupils, if any such pupils are enrolled and (ii)
32 enrollment in the preceding school year minus enrollment in such school
33 year of preschool-aged at-risk pupils, if any such pupils were enrolled and
34 (iii) enrollment in the school year next preceding the preceding school year
35 minus enrollment in such school year of preschool-aged at-risk pupils, if
36 any such pupils were enrolled; or

37 (3) the number of pupils as determined under K.S.A. 72-6447 or
38 K.S.A. 2012 Supp. 72-6448, and amendments thereto.

39 (f) "Adjusted enrollment" means: (1) Enrollment adjusted by adding
40 at-risk pupil weighting, program weighting, low enrollment weighting, if
41 any, high density at-risk pupil weighting, if any, medium density at-risk
42 pupil weighting, if any, nonproficient pupil weighting, if any, high
43 enrollment weighting, if any, declining enrollment weighting, if any,

1 school facilities weighting, if any, ancillary school facilities weighting, if
2 any, cost of living weighting, if any, special education and related services
3 weighting, and transportation weighting to enrollment; or (2) adjusted
4 enrollment as determined under K.S.A. 2012 Supp. 72-6457 or 72-6458,
5 and amendments thereto.

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

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

11 (i) "Low enrollment weighting" means an addend component
12 assigned to enrollment of districts pursuant to K.S.A. 72-6412, and
13 amendments thereto, on the basis of costs attributable to maintenance of
14 educational programs by such districts in comparison with costs
15 attributable to maintenance of educational programs by districts having to
16 which high enrollment weighting is assigned pursuant to K.S.A. 2012
17 Supp. 72-6442b, and amendments thereto.

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

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

24 (l) "Cost of living weighting" means an addend component assigned
25 to enrollment of districts to which the provisions of K.S.A. 2012 Supp. 72-
26 6449, and amendments thereto, apply on the basis of costs attributable to
27 the cost of living in the district.

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

38 (n) "Juvenile detention facility" has the meaning ascribed thereto by
39 72-8187, and amendments thereto.

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

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

11 (q) "Declining enrollment weighting" means an addend component
12 assigned to enrollment of districts to which the provisions of K.S.A. 2012
13 Supp. 72-6451, and amendments thereto, apply on the basis of reduced
14 revenues attributable to the declining enrollment of the district.

15 (r) "High enrollment weighting" means an addend component
16 assigned to enrollment of districts pursuant to K.S.A. 2012 Supp. 72-
17 6442b, and amendments thereto, on the basis of costs attributable to
18 maintenance of educational programs by such districts as a correlate to low
19 enrollment weighting assigned to enrollment of districts pursuant to
20 K.S.A. 72-6412, and amendments thereto.

21 (s) "High density at-risk pupil weighting" means an addend
22 component assigned to enrollment of districts to which the provisions of
23 K.S.A. 2012 Supp. 72-6455, and amendments thereto, apply.

24 (t) "Nonproficient pupil" means a pupil who is not eligible for free
25 meals under the national school lunch act and who has scored less than
26 proficient on the mathematics or reading state assessment during the
27 preceding school year and who is enrolled in a district which maintains an
28 approved proficiency assistance plan.

29 (u) "Nonproficient pupil weighting" means an addend component
30 assigned to enrollment of districts on the basis of enrollment of
31 nonproficient pupils pursuant to K.S.A. 2012 Supp. 72-6454, and
32 amendments thereto.

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

35 (w) "Medium density at-risk pupil weighting" means an addend
36 component assigned to enrollment of districts to which the provisions of
37 K.S.A. 2012 Supp. 72-6459, and amendments thereto, apply.

38 Sec. 2. K.S.A. 2012 Supp. 72-6407 is hereby repealed.

39 Sec. 3. This act shall take effect and be in force from and after its
40 publication in the statute book.