

SENATE BILL No. 174

By Committee on Education

2-12

1 AN ACT concerning school districts; relating to certain weightings in the
2 school district finance and quality performance act; amending K.S.A.
3 72-6415 and K.S.A. 2012 Supp. 72-3715, 72-3716, 72-6407, 72-6414,
4 72-6415b and 72-6455 and repealing the existing sections; also
5 repealing K.S.A. 2012 Supp. 72-6413, 72-6448, 72-6454 and 72-6456.
6

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

8 New Section 1. For school year 2013-2014 and each school year
9 thereafter, the state board of education shall certify the amount by which
10 the at-risk pupil weighting and the high density at-risk pupil weighting
11 shall be prorated for such school year. The amount to be prorated for each
12 weighting shall be determined such that the aggregate amount of general
13 state aid calculated pursuant to the school district finance and quality
14 performance act, including such prorated weightings, shall provide a base
15 state aid per pupil equal to the amount established as the base state aid per
16 pupil under K.S.A. 72-6410, and amendments thereto. The state board of
17 education shall send such certification to each school district on or before
18 October 1.

19 Sec. 2. K.S.A. 2012 Supp. 72-3715 is hereby amended to read as
20 follows: 72-3715. (a) ~~In order to be included in the full-time equivalent~~
21 ~~enrollment of a virtual school, a pupil shall be in attendance at the virtual~~
22 ~~school on: (1) A single school day on or before September 19 of each~~
23 ~~school year; and (2) on a single school day on or after September 20, but~~
24 ~~before October 4 of each school year.~~

25 (b) ~~A school district which offers a virtual school shall determine the~~
26 ~~full-time equivalent enrollment of each pupil enrolled in the virtual school~~
27 ~~on September 20 of each school year as follows:~~

28 (1) ~~Determine the number of hours the pupil was in attendance on a~~
29 ~~single school day on or before September 19 of each school year;~~

30 (2) ~~determine the number of hours the pupil was in attendance on a~~
31 ~~single school day on or after September 20, but before October 4 of each~~
32 ~~school year;~~

33 (3) ~~add the numbers obtained under paragraphs (1) and (2);~~

34 (4) ~~divide the sum obtained under paragraph (3) by 12. The quotient~~
35 ~~is the full-time equivalent enrollment of the pupil.~~

36 (e) ~~The school days on which a district determines the full-time~~

1 equivalent enrollment of a pupil under paragraphs (1) and (2) of subsection
2 (b) shall be the school days on which the pupil has the highest number of
3 hours of attendance at the virtual school. No more than six hours of
4 attendance may be counted in a single school day. Attendance may be
5 shown by a pupil's on-line activity or entries in the pupil's virtual school
6 journal or log of activities.

7 (d) (1) Subject to the availability of appropriations for virtual school
8 state aid and within the limits of any such appropriations, each school year
9 a school district which offers a virtual school shall be entitled to virtual
10 school state aid.

11 (2) The state board of education shall determine the amount of virtual
12 school state aid a school district is entitled to receive as follows:

13 (A) Multiply the full-time equivalent enrollment of the virtual school
14 by an amount equal to 105% of the amount of base state aid per pupil;

15 (B) multiply the full-time equivalent enrollment of nonproficient at-
16 risk pupils enrolled in an approved at-risk program offered by the virtual
17 school, if any, by an amount equal to 25% of the amount of base state aid
18 per pupil;

19 (C) add any amount determined under K.S.A. 2012 Supp. 72-3716,
20 and amendments thereto; and

21 (D) add the amounts obtained under subparagraphs (A) through (C).
22 The sum is the amount of the virtual school state aid to which the school
23 district is entitled.

24 (3) There is hereby established in every school district a fund which
25 shall be called the virtual school fund, which fund shall consist of all
26 moneys deposited therein or transferred thereto according to law. Moneys
27 received as virtual school state aid shall be deposited in the general fund of
28 the school district and transferred to the virtual school fund of the district.

29 The expenses of a district directly attributable to virtual schools offered by
30 a school district shall be paid from the virtual school fund. The cost of an
31 advance placement course provided to a pupil described in subsection (d)
32 (2)(D) shall be paid by the virtual school.

33 (b) Any balance remaining in the virtual school fund at the end of the
34 budget year shall be carried forward into the virtual school fund for
35 succeeding budget years. Such fund shall not be subject to the provisions
36 of K.S.A. 79-2925 through 79-2937, and amendments thereto.

37 (c) Any unencumbered balance of moneys remaining in the virtual
38 school fund of a school district on June 30, 2012, may be expended in the
39 school year that immediately succeeds such date by the school district for
40 general operating expenses of the school district as approved by the board
41 of education.

42 (d) In preparing the budget of such school district, the amounts
43 credited to and the amount on hand in the virtual school fund, and the

1 amount expended therefrom shall be included in the annual budget for the
2 information of the residents of the school district. Interest earned on the
3 investment of moneys in any such fund shall be credited to that fund.

4 ~~(e) For the purposes of this section, a pupil enrolled in a virtual~~
5 ~~school who is not a resident of the state of Kansas shall not be counted in~~
6 ~~the full-time equivalent enrollment of the virtual school.~~

7 Sec. 3. K.S.A. 2012 Supp. 72-3716 is hereby amended to read as
8 follows: 72-3716. (a) As used in this section:

9 (1) "Pupil" means a pupil who is a resident of and enrolled, on a full-
10 time basis, in a school district.

11 (2) "School district" means a school district which does not offer
12 advanced placement courses and which is either more than 200 square
13 miles in area or has an enrollment of at least 260 pupils and does not offer
14 advance placement courses.

15 (b) If a pupil is enrolled in at least one advanced placement course
16 provided by a virtual school, the school district offering the virtual school
17 shall be paid an amount equal to 8% of the amount of base state aid per
18 pupil for such pupil as additional virtual school state aid. Such state aid
19 moneys shall be paid in each semester in which a pupil is enrolled in at
20 least one advanced placement course provided by a virtual school.

21 Sec. 4. K.S.A. 2012 Supp. 72-6407 is hereby amended to read as
22 follows: 72-6407. (a) (1) "Pupil" means any person who is regularly
23 enrolled in a district and attending kindergarten or any of the grades one
24 through 12 maintained by the district or who is regularly enrolled in a
25 district and attending kindergarten or any of the grades one through 12 in
26 another district in accordance with an agreement entered into under
27 authority of K.S.A. 72-8233, and amendments thereto, or who is regularly
28 enrolled in a district and attending special education services provided for
29 preschool-aged exceptional children by the district.

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

1 vocational education program shall be counted as one pupil if the pupil's
2 vocational education enrollment and attendance together with the pupil's
3 attendance in any of grades nine through 12 is at least $\frac{5}{6}$ time, otherwise
4 the pupil shall be counted as that proportion of one pupil (to the nearest
5 $\frac{1}{10}$) that the total time of the pupil's vocational education attendance and
6 attendance in any of grades nine through 12 bears to full-time attendance.
7 A pupil enrolled in a district and attending a non-virtual school and also
8 attending a virtual school shall be counted as that proportion of one pupil
9 (to the nearest $\frac{1}{10}$) that the pupil's attendance at the non-virtual school
10 bears to full-time attendance. Except as provided by this section for
11 preschool-aged exceptional children and virtual school pupils, a pupil
12 enrolled in a district and attending special education and related services,
13 provided for by the district shall be counted as one pupil. A pupil enrolled
14 in a district and attending special education and related services provided
15 for by the district and also attending a virtual school shall be counted as
16 that proportion of one pupil (to the nearest $\frac{1}{10}$) that the pupil's attendance
17 at the non-virtual school bears to full-time attendance. A pupil enrolled in a
18 district and attending special education and related services for preschool-
19 aged exceptional children provided for by the district shall be counted as
20 $\frac{1}{2}$ pupil. A preschool-aged at-risk pupil enrolled in a district and receiving
21 services under an approved at-risk pupil assistance plan maintained by the
22 district shall be counted as $\frac{1}{2}$ pupil. A pupil in the custody of the secretary
23 of social and rehabilitation services or in the custody of the commissioner
24 of juvenile justice and enrolled in unified school district No. 259,
25 Sedgwick county, Kansas, but housed, maintained, and receiving
26 educational services at the Judge James V. Riddel Boys Ranch, shall be
27 counted as two pupils. Except as provided in section 1 of chapter 76 of the
28 2009 Session Laws of the state of Kansas, and amendments thereto, a
29 pupil in the custody of the secretary of social and rehabilitation services or
30 in the custody of the commissioner of juvenile justice and enrolled in
31 unified school district No. 409, Atchison, Kansas, but housed, maintained
32 and receiving educational services at the youth residential center located
33 on the grounds of the former Atchison juvenile correctional facility, shall
34 be counted as two pupils.

35 (3) A pupil residing at the Flint Hills job corps center shall not be
36 counted. A pupil confined in and receiving educational services provided
37 for by a district at a juvenile detention facility shall not be counted. A pupil
38 enrolled in a district but housed, maintained, and receiving educational
39 services at a state institution or a psychiatric residential treatment facility
40 shall not be counted.

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

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

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

9 (e) "Enrollment" means: (1) (A) Subject to the provisions of
10 paragraph (1)(B), for districts scheduling the school days or school hours
11 of the school term on a trimestral or quarterly basis, the number of pupils
12 regularly enrolled in the district on September 20 plus the number of
13 pupils regularly enrolled in the district on February 20 less the number of
14 pupils regularly enrolled on February 20 who were counted in the
15 enrollment of the district on September 20; and for districts not specified
16 in this paragraph (1), the number of pupils regularly enrolled in the district
17 on September 20; (B) a pupil who is a foreign exchange student shall not
18 be counted unless such student is regularly enrolled in the district on
19 September 20 and attending kindergarten or any of the grades one through
20 12 maintained by the district for at least one semester or two quarters or
21 the equivalent thereof;

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

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

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

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

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

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

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

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

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

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

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

39 ~~(⊕) (m) "Juvenile detention facility" has the meaning ascribed thereto~~
40 ~~by 72-8187, and amendments thereto.~~

41 (⊕) (n) "Special education and related services weighting" means an
42 addend component assigned to enrollment of districts on the basis of costs
43 attributable to provision of special education and related services for

1 pupils determined to be exceptional children.

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

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

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

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

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

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

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

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

39 Sec. 5. K.S.A. 2012 Supp. 72-6414 is hereby amended to read as
 40 follows: 72-6414. (a) The at-risk pupil weighting of each district shall be
 41 determined by the state board by multiplying the number of at-risk pupils
 42 included in enrollment of the district by .278 for school year 2006-2007,
 43 by .378 for school year 2007-2008 and by .456 for school year 2008-2009

1 and each school year thereafter. The product is the at-risk pupil weighting
2 of the district.

3 (b) Except as provided in subsection (d), of the amount a district
4 receives from the at-risk pupil weighting, an amount produced by a pupil
5 weighting of .01 shall be used by the district for achieving mastery of
6 basic reading skills by completion of the third grade in accordance with
7 standards and outcomes of mastery identified by the state board under
8 K.S.A. 72-7534, and amendments thereto.

9 (c) A district shall include such information in its at-risk pupil
10 assistance plan as the state board may require regarding the district's
11 remediation strategies and the results thereof in achieving the third grade
12 reading standards and outcomes of mastery identified by the state board.
13 The reporting requirements shall include information documenting
14 remediation strategies and improvement made by pupils who performed
15 below the expected standard on the second grade diagnostic reading test
16 prescribed by the state board.

17 (d) A district whose pupils substantially achieve the state board
18 standards and outcomes of mastery of reading skills upon completion of
19 third grade may be released, upon request, by the state board from the
20 requirements of subsection (b).

21 (e) (1) A district may expend amounts received from the at-risk pupil
22 weighting to pay for the cost of providing full-day kindergarten to any
23 pupil enrolled in the district and attending full-day kindergarten whether or
24 not such pupil is an at-risk pupil.

25 (2) Nothing in this subsection shall be construed as requiring school
26 districts to provide full-day kindergarten nor as requiring any pupil to
27 attend full-day kindergarten.

28 (3) As used in this subsection (e):

29 (A) "District" means any school district which offers both full-day
30 and half-day kindergarten.

31 (B) "Cost" means that portion of the cost of providing full-day
32 kindergarten which is not paid by the state.

33 (f) A school district may expend amounts received from the at-risk
34 weighting to pay the cost of providing preschool-aged at-risk, bilingual
35 and vocational education programs and services.

36 (g) *For school year 2013-2014 and each school year thereafter, the*
37 *at-risk pupil weighting of a school district shall be calculated as provided*
38 *by this section, except that such weighting shall be prorated for such*
39 *school year by an amount certified by the state board of education*
40 *pursuant to section 1, and amendments thereto.*

41 Sec. 6. K.S.A. 72-6415 is hereby amended to read as follows: 72-
42 6415. (a) The school facilities weighting of each district shall be
43 determined in each school year in which such weighting may be assigned

1 to enrollment of the district as follows:

2 (1) Determine the number of pupils, included in enrollment of the
3 district, who are attending a new school facility;

4 (2) multiply the number of pupils determined under (1) by .25. The
5 product is the school facilities weighting of the district.

6 (b) (1) The provisions of this section shall take effect and be in force
7 from and after July 1, 1992.

8 (2) *The provisions of this section shall expire on July 1, 2015.*

9 Sec. 7. K.S.A. 2012 Supp. 72-6415b is hereby amended to read as
10 follows: 72-6415b. (a) School facilities weighting may be assigned to
11 enrollment of a district only if the district has adopted a local option
12 budget in an amount equal to at least 25% of the amount of the state
13 financial aid determined for the district in the current school year. School
14 facilities weighting may be assigned to enrollment of the district only in
15 the school year in which operation of a new school facility is commenced
16 and in the next succeeding school year.

17 (b) *The provisions of this section shall expire on July 1, 2015.*

18 Sec. 8. K.S.A. 2012 Supp. 72-6455 is hereby amended to read as
19 follows: 72-6455. (a) *Except as provided in subsection (b)*, the high
20 density at-risk pupil weighting of each school district shall be determined
21 by the state board as follows:

22 (A) Except as provided in subparagraph (C), if the district has an
23 enrollment of at least 35%, but less than 50% at-risk pupils, the state board
24 shall:

25 (i) Subtract 35% from the percentage of at-risk enrollment in the
26 district;

27 (ii) multiply the amount determined under clause (i) by .7; and

28 (iii) multiply the number of at-risk pupils enrolled in the district by
29 the product determined under clause (ii). The resulting product is the high
30 density at-risk pupil weighting of the district.

31 (B) If the district has an enrollment of 50% or more at-risk pupils, the
32 state board shall multiply the number of at-risk pupils by .105. The
33 resulting product is the high density at-risk pupil weighting of the district.

34 (C) If the district has an enrollment of at least 35.1% at-risk pupils
35 and an enrollment density of at least 212.1 pupils per square mile, the state
36 board shall multiply the number of at-risk pupils by .105. The resulting
37 product is the high density at-risk pupil weighting of the district.

38 (b) *For school year 2013-2014 and each school year thereafter, the*
39 *high density at-risk pupil weighting of a school district shall be calculated*
40 *as provided by this section, except that such weighting shall be prorated*
41 *for such school year by an amount certified by the state board of*
42 *education pursuant to section 1, and amendments thereto.*

43 Sec. 9. K.S.A. 72-6415 and K.S.A. 2012 Supp. 72-3715, 72-3716, 72-

1 6407, 72-6413, 72-6414, 72-6415b, 72-6448, 72-6454, 72-6455 and 72-
2 6456 are hereby repealed.

3 Sec. 10. This act shall take effect and be in force from and after its
4 publication in the statute book.