

HOUSE BILL No. 2251

By Committee on Education

2-9

1 AN ACT relating to out-of-state pupils; amending K.S.A. 72-6757 and
2 K.S.A. 2010 Supp. 72-6407 and repealing the existing sections.

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

5 New Section 1. (a) This section applies to the board of education of
6 any school district that has, or knows that it will have in the next school
7 year, one or more pupils enrolled who do not live in Kansas. Such school
8 board shall utilize its good faith efforts to negotiate an agreement with the
9 out-of-state school board of the school district in which the pupil resides.
10 Such agreement shall address the payment of costs to the Kansas school
11 district for educating any out-of-state pupils.

12 (b) The state board of education shall provide assistance and advice to
13 Kansas school districts that are subject to the provisions of subsection (a).

14 New Sec. 2. Any Kansas school district that is subject to section 1,
15 and amendments thereto, that has failed to reach agreement under section
16 1, and amendments thereto, shall file an application with the board of
17 education which shall include:

18 (a) A detailed description of the school districts efforts in negotiating
19 with the out-of-state school district pursuant to section 1, and
20 amendments thereto, including copies of related documents and a
21 narrative describing each negotiating session;

22 (b) the amount of state funds the out-of-state school district would
23 receive if the pupil attended the non-Kansas school district where the
24 pupil resides;

25 (c) the amount of funds requested for each such pupil and the
26 justification therefor; and

27 (d) such other information as may be requested by the state board of
28 education.

29 Sec. 3. K.S.A. 2010 Supp. 72-6407 is hereby amended to read as
30 follows: 72-6407. (a) (1) "Pupil" means any person who is regularly
31 enrolled in a district and attending kindergarten or any of the grades one
32 through 12 maintained by the district or who is regularly enrolled in a
33 district and attending kindergarten or any of the grades one through 12 in
34 another district in accordance with an agreement entered into under
35 authority of K.S.A. 72-8233, and amendments thereto, or who is regularly
36 enrolled in a district and attending special education services provided for

1 preschool-aged exceptional children by the district. *A pupil enrolled in*
2 *any school district in this state who does not live in Kansas shall not be*
3 *counted as a pupil for state financial aid under the school district finance*
4 *and quality performance act.*

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, high
19 enrollment weighting, if any, declining enrollment weighting, if any,
20 school facilities weighting, if any, ancillary school facilities weighting, if
21 any, cost of living weighting, if any, special education and related
22 services weighting, and transportation weighting to enrollment; or (2)
23 adjusted enrollment as determined under K.S.A. 2010 Supp. 72-6457 or
24 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 *K.S.A. 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 Sec. 4. K.S.A. 72-6757 is hereby amended to read as follows: 72-
15 6757. (a) As used in this section:

16 (1) "Receiving school district" means a school district of
17 nonresidence of a pupil who attends school in such school district.

18 (2) "Sending school district" means a school district of residence of
19 a pupil who attends school in a school district not of the pupil's residence.

20 (b) The board of education of any school district may make and
21 enter into contracts with the board of education of any receiving school
22 district located in this state for the purpose of providing for the attendance
23 of pupils at school in the receiving school district.

24 (c) The board of education of any school district may make and
25 enter into contracts with the governing authority of any accredited school
26 district located in another state for the purpose of providing for the
27 attendance of pupils from this state at school in such other state or for the
28 attendance of pupils from such other state at school in this state.

29 (d) Pupils attending school in a receiving school district in
30 accordance with a contract authorized by this section and made and
31 entered into by such receiving school district with a sending school
32 district located in this state shall be counted as regularly enrolled in and
33 attending school in the sending school district for the purpose of
34 computations under the school district finance and quality performance
35 act.

36 (e) Any contract made and entered into under authority of this
37 section is subject to the following conditions:

38 (1) The contract shall be for the benefit of pupils who reside at
39 inconvenient or unreasonable distances from the schools maintained by
40 the sending school district or for pupils who, for any other reason deemed
41 sufficient by the board of education of the sending school district, should
42 attend school in a receiving school district;

43 (2) the contract shall make provision for the payment of tuition by

1 the sending school district to the receiving school district;

2 (3) if a sending school district is located in this state and the
3 receiving school district is located in another state, the amount of tuition
4 provided to be paid for the attendance of a pupil or pupils at school in the
5 receiving school district shall not exceed 1/2 of the amount of the budget
6 per pupil of the sending school district under the school district finance
7 and quality performance act for the current school year; and

8 (4) the contract shall make provision for transportation of pupils to
9 and from the school attended on every school day.

10 (f) Amounts received pursuant to contracts made and entered into
11 under authority of this section by a school district located in this state for
12 enrollment and attendance of pupils at school in regular educational
13 programs shall be deposited in the general fund of the school district.

14 ~~(g) The provisions of subsection (e)(3) do not apply to unified~~
15 ~~school district No. 104, Jewell county.~~

16 ~~(h)~~ (g) The provisions of this section do not apply to contracts made
17 and entered into under authority of the special education for exceptional
18 children act.

19 ~~(i)~~ (h) The provisions of this section are deemed to be alternative to
20 the provisions of K.S.A. 72-8233, and amendments thereto, and no
21 procedure or authorization under K.S.A. 72-8233, and amendments
22 thereto, shall be limited by the provisions of this section.

23 Sec. 5. K.S.A. 72-6757 and K.S.A. 2010 Supp. 72-6407 are hereby
24 repealed.

25 Sec. 6. This act shall take effect and be in force from and after its
26 publication in the statute book.

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