

As Amended by House Committee

Session of 2011

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.
3

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

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

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

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

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

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

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

30 Sec. 3. K.S.A. 2010 Supp. 72-6407 is hereby amended to read as
31 follows: 72-6407. (a) (1) "Pupil" means any person who is regularly
32 enrolled in a district and attending kindergarten or any of the grades
33 one through 12 maintained by the district or who is regularly enrolled

1 in a district and attending kindergarten or any of the grades one through
2 12 in another district in accordance with an agreement entered into
3 under authority of K.S.A. 72-8233, and amendments thereto, or who is
4 regularly enrolled in a district and attending special education services
5 provided for preschool-aged exceptional children by the district. *A*
6 *pupil enrolled in any school district in this state who does not live in*
7 *Kansas shall not be counted as a pupil for state financial aid under the*
8 *school district finance and quality performance act unless (A) the*
9 **pupil has a parent or guardian that is an employee of the school**
10 **district where the pupil is enrolled; (B) the pupil has a parent or**
11 **guardian who owns real property in Kansas which is contiguous to**
12 **the pupil's residence; or (C) the pupil attended public school in**
13 **Kansas during the 2010-2011 school year.**

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

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

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

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

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

38 (d) "Preschool-aged at-risk pupil" means an at-risk pupil who has
39 attained the age of four years, is under the age of eligibility for

1 attendance at kindergarten, and has been selected by the state board in
2 accordance with guidelines consonant with guidelines governing the
3 selection of pupils for participation in head start programs.

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

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

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

37 (f) "Adjusted enrollment" means: (1) Enrollment adjusted by
38 adding at-risk pupil weighting, program weighting, low enrollment
39 weighting, if any, high density at-risk pupil weighting, if any, medium

1 density at-risk pupil weighting, if any, nonproficient pupil weighting, if
2 any, high enrollment weighting, if any, declining enrollment weighting,
3 if any, school facilities weighting, if any, ancillary school facilities
4 weighting, if any, cost of living weighting, if any, special education and
5 related services weighting, and transportation weighting to enrollment;
6 or (2) adjusted enrollment as determined under K.S.A. 2010 Supp. 72-
7 6457 or 72-6458, and amendments thereto.

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

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

14 (i) "Low enrollment weighting" means an addend component
15 assigned to enrollment of districts pursuant to K.S.A. 72-6412, and
16 amendments thereto, on the basis of costs attributable to maintenance
17 of educational programs by such districts in comparison with costs
18 attributable to maintenance of educational programs by districts having
19 to which high enrollment weighting is assigned pursuant to K.S.A.
20 2010 Supp. 72-6442b, and amendments thereto.

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

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

27 (l) "Cost of living weighting" means an addend component
28 assigned to enrollment of districts to which the provisions of K.S.A.
29 2010 Supp. 72-6449, and amendments thereto, apply on the basis of
30 costs attributable to the cost of living in the district.

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

1 eligible for such weighting.

2 (n) "Juvenile detention facility" has the meaning ascribed thereto
3 by *K.S.A. 72-8187*, and amendments thereto.

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

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

18 (q) "Declining enrollment weighting" means an addend
19 component assigned to enrollment of districts to which the provisions
20 of *K.S.A. 2010 Supp. 72-6451*, and amendments thereto, apply on the
21 basis of reduced revenues attributable to the declining enrollment of the
22 district.

23 (r) "High enrollment weighting" means an addend component
24 assigned to enrollment of districts pursuant to *K.S.A. 2010 Supp. 72-*
25 *6442b*, and amendments thereto, on the basis of costs attributable to
26 maintenance of educational programs by such districts as a correlate to
27 low enrollment weighting assigned to enrollment of districts pursuant
28 to *K.S.A. 72-6412*, and amendments thereto.

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

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

37 (u) "Nonproficient pupil weighting" means an addend component
38 assigned to enrollment of districts on the basis of enrollment of
39 nonproficient pupils pursuant to *K.S.A. 2010 Supp. 72-6454*, and

1 amendments thereto.

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

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

7 Sec. 4. K.S.A. 72-6757 is hereby amended to read as follows: 72-
8 6757. (a) As used in this section:

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

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

14 (b) The board of education of any school district may make and
15 enter into contracts with the board of education of any receiving school
16 district located in this state for the purpose of providing for the
17 attendance of pupils at school in the receiving school district.

18 (c) The board of education of any school district may make and
19 enter into contracts with the governing authority of any accredited
20 school district located in another state for the purpose of providing for
21 the attendance of pupils from this state at school in such other state or
22 for the attendance of pupils from such other state at school in this state.

23 (d) Pupils attending school in a receiving school district in
24 accordance with a contract authorized by this section and made and
25 entered into by such receiving school district with a sending school
26 district located in this state shall be counted as regularly enrolled in and
27 attending school in the sending school district for the purpose of
28 computations under the school district finance and quality performance
29 act.

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

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

37 (2) the contract shall make provision for the payment of tuition by
38 the sending school district to the receiving school district;

39 (3) if a sending school district is located in this state and the

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

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

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

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

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

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

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

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

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