

[As Amended by House Committee of the Whole]

As Amended by House Committee

Session of 2008

SENATE BILL No. 669

By Committee on Ways and Means

3-4

12 AN ACT concerning school districts; relating to virtual schools; [**relating**
13 **to school finance;**] amending K.S.A. 2007 Supp. 72-6407 and re-
14 pealing the existing section.
15

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

17 New Section 1. Sections 1 through 5, and amendments thereto, shall
18 be known and may be cited as the virtual school act.

19 New Sec. 2. As used in the virtual school act:

20 (a) "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) in-
23 volves instruction that occurs asynchronously with the teacher and pupil
24 in separate locations; (4) requires the pupil to make academic progress
25 toward the next grade level and matriculation from kindergarten through
26 high school graduation; (5) requires the pupil to demonstrate competence
27 in subject matter for each class or subject in which the pupil is enrolled
28 as part of the virtual school; and (6) requires age-appropriate pupils to
29 complete state assessment tests.

30 (b) "School district" means any school district which offers a virtual
31 school.

32 (c) Except as provided by this section, words and phrases shall have
33 the meanings ascribed thereto in the school district finance and quality
34 performance act.

35 New Sec. 3. Virtual schools shall be under the general supervision
36 of the state board. The state board may adopt any rules and regulations
37 relating to virtual schools which the state board deems necessary to ad-
38 minister and enforce the virtual school act.

39 New Sec. 4. (a) In order to provide for the proper delivery of instruc-
40 tion through distance-learning technologies, school districts shall provide
41 adequate training to teachers who teach in virtual schools. Each year,
42 school districts shall submit a report relating to training programs pro-
43 vided by the district to teachers who teach in virtual schools. Such reports

1 shall be submitted in the manner and form required by the state board.

2 New Sec. 5. (a) In order to be included in the full-time equivalent
3 enrollment of a virtual school, a pupil shall be in attendance at the virtual
4 school on (1) a single school day on or before September 19 of each school
5 year and (2) on a single school day on or after September 20, but before
6 October 4 of each school year.

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

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

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

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

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

18 (c) The school days on which a district determines the full-time
19 equivalent enrollment of a pupil under paragraphs (1) and (2) of subsec-
20 tion (b) shall be the school days on which the pupil has the highest num-
21 ber of hours of attendance at the virtual school. No more than six hours
22 of attendance may be counted in a single school day. Attendance may be
23 shown by a pupil's on-line activity or entries in the pupil's virtual school
24 journal or log of activities.

25 ~~(d) Each school year a school district which offers a virtual school~~
26 ~~shall be entitled to virtual school state aid. Subject to the availability of~~
27 ~~appropriations for virtual school state aid and within the limits of any such~~
28 ~~appropriations, the state board of education shall determine the amount~~
29 ~~of virtual school state aid a school district is entitled to receive by mul-~~
30 ~~tiplying an amount not to exceed 114% of the amount of base state aid~~
31 ~~per pupil by the virtual school full-time equivalent enrollment of the~~
32 ~~virtual school. The product is the amount of the virtual school state aid~~
33 ~~to which the school district is entitled. Moneys received as virtual school~~
34 ~~state aid shall be deposited in the general fund of the school district and~~
35 ~~shall be considered reimbursements for the purpose of the school district~~
36 ~~finance and quality performance act.~~

37 **(d) (1) Subject to the availability of appropriations for virtual**
38 **school state aid and within the limits of any such appropriations,**
39 **each school year a school district which offers a virtual school shall**
40 **be entitled to virtual school state aid.**

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

- 1 **(A) Multiply the full-time equivalent enrollment of the virtual**
2 **school by an amount equal to 103.5% of the amount of base state**
3 **aid per pupil by the virtual school;**
- 4 **(B) multiply the full-time equivalent enrollment of nonprofi-**
5 **cient at-risk pupils enrolled in an approved at-risk program of-**
6 **fered by the virtual school, if any, by an amount equal to 4.65% of**
7 **the amount of base state aid per pupil;**
- 8 **(C) multiply the full-time equivalent enrollment of at-risk pu-**
9 **pils enrolled in an approved at-risk program offered by the virtual**
10 **school, if any, by an amount equal to 45.6% of the amount of base**
11 **state aid per pupil;**
- 12 **(D) multiply the number of pupils enrolled in each advanced**
13 **placement course provided by the virtual school, if any, by an**
14 **amount equal to 16% of the amount of base state aid per pupil. As**
15 **used in this provision (D), “pupil” means a pupil who is enrolled**
16 **on a full-time basis in a school district which is more than 200**
17 **square miles in area and has an enrollment of at least 260 pupils**
18 **and does not offer advance placement courses; and**
- 19 **(E) add the amounts obtained under paragraphs (A) through**
20 **(D). The sum is the amount of the virtual school state aid to which**
21 **the school district is entitled.**
- 22 **(3) There is hereby established in every school district a fund**
23 **which shall be called the virtual school fund, which fund shall con-**
24 **sist of all moneys deposited therein or transferred thereto accord-**
25 **ing to law. Moneys received as virtual school state aid shall be**
26 **deposited in the general fund of the school district and transferred**
27 **to the virtual school fund of the district. The expenses of a district**
28 **directly attributable to virtual schools offered by a school district**
29 **shall be paid from the virtual school fund. The cost of an advance**
30 **placement course provided to a pupil described in subsection**
31 **(d)(2)(D) shall be paid by the virtual school.**
- 32 **Any balance remaining in the virtual school fund at the end of**
33 **the budget year shall be carried forward into the virtual school**
34 **fund for succeeding budget years. Such fund shall not be subject**
35 **to the provisions of K.S.A. 79-2925 through 79-2937, and amend-**
36 **ments thereto.**
- 37 **In preparing the budget of such school district, the amounts**
38 **credited to and the amount on hand in the virtual school fund, and**
39 **the amount expended therefrom shall be included in the annual**
40 **budget for the information of the residents of the school district.**
41 **Interest earned on the investment of moneys in any such fund shall**
42 **be credited to that fund.**
- 43 **(e) For the purposes of this section, a pupil enrolled in a virtual school**

1 who is not a resident of the state of Kansas shall not be counted in the
2 full-time equivalent enrollment of the virtual school.

3 ~~New Sec. 6. (a) If a school district offers a virtual school, the pupils~~
4 ~~enrolled in the virtual school who are residents of the state of Kansas shall~~
5 ~~be included in the enrollment of the school district for the purpose of~~
6 ~~determining the assignment of pupil weightings to enrollment of the~~
7 ~~school district under the school district finance and quality performance~~
8 ~~act. No state financial state aid shall be paid to a school district for pupils~~
9 ~~enrolled in a virtual school. In lieu of state financial state aid for pupils~~
10 ~~enrolled in a virtual school, a school district shall be paid virtual state aid~~
11 ~~as provided by section 5, and amendments thereto.~~

12 ~~(b) This section shall be part of and supplemental to the school dis-~~
13 ~~trict finance and quality performance act.~~

14 [New Sec. 6. (a) As used in this section:

15 [(1) Words and phrases used in this section shall have the
16 meanings ascribed thereto by K.S.A. 72-6407, and amendments
17 thereto, except as provided by this subsection.

18 [(2) “School district” means U.S.D. No. 253, Emporia.

19 [(3) “Base school year” means the school year 2007-2008.

20 [(b) When computing the general fund budget of the school
21 district for school year 2008-2009, the adjusted enrollment of the
22 school district shall be the greater of:

23 [(1) The adjusted enrollment of the district as defined by K.S.A.
24 72-6407, and amendments thereto; or

25 [(2) Ninety-eight percent of the adjusted enrollment of the
26 school district in the base school year.

27 [New Sec. 7. (a) As used in this section:

28 [(1) Words and phrases used in this section shall have the
29 meanings ascribed thereto by K.S.A. 72-6407, and amendments
30 thereto, except as provided by paragraphs (2), (3) and (4).

31 [(2) “School district” means U.S.D. No. 101, Erie, U.S.D. No.
32 257, Iola, U.S.D. No. 367, Osawatomie, U.S.D. No. 422, Greens-
33 burg, U.S.D. No. 445, Coffeyville, U.S.D. No. 446, Independence,
34 U.S.D. No. 461, Neodesha and U.S.D. No. 484, Fredonia.

35 [(3) “Disaster” means the occurrence of widespread or severe
36 damage, injury or loss of life or property resulting from any natural
37 or manmade cause including, but not limited to, fire, flood, earth-
38 quake, tornado, wind, storm, drought, epidemics, air contamina-
39 tion, blight, infestation or explosion and as a result of such disaster.

40 [(4) “Base school year” means school year 2006-2007.

41 [(b) The provisions of this section shall apply to any school dis-
42 trict in which: (1) A disaster has occurred and which is located in
43 an area in which the governor has issued a proclamation declaring

1 a state of disaster emergency pursuant to K.S.A. 48-924, and
2 amendments thereto, and the president of the United States, pur-
3 suant to the federal Robert T. Stafford disaster relief and emer-
4 gency assistance act and the federal disaster relief and emergency
5 assistance amendments of 1988, has declared a major disaster to
6 exist; and (2) as a result of the destruction or damage to housing
7 caused by such disaster the enrollment of the district declined by
8 at least 25 pupils or by a number equal to 2% or more of the dis-
9 trict's enrollment.

10 [(c) When computing the general fund budget of a school dis-
11 trict for the second, third and fourth school years following the
12 base school year, the adjusted enrollment of the school district
13 shall be the greater of:

14 [(1) The adjusted enrollment of the district as defined by sub-
15 section (e) of K.S.A. 72-6407, and amendments thereto; or

16 [(2) the adjusted enrollment of the school district in the base
17 school year less any enrollment attributable to the special educa-
18 tion weighting, school facilities weighting, ancillary school facili-
19 ties weighting, cost of living weighting and preschool-aged at-risk
20 pupils in the base school year; plus any enrollment attributable to
21 the special education weighting, school facilities weighting, ancil-
22 lary school facilities weighting, cost of living weighting and pre-
23 school-aged at-risk pupils in the current school year.

24 [(d) Districts desiring to determine adjusted enrollment under
25 this section shall submit any documentation or information re-
26 quired by the state board.]

27 Sec. ~~7-6~~ [8.] K.S.A. 2007 Supp. 72-6407 is hereby amended to read
28 as follows: 72-6407. (a) (1) "Pupil" means any person who is regularly
29 enrolled in a district and attending kindergarten or any of the grades one
30 through 12 maintained by the district or who is regularly enrolled in a
31 district and attending kindergarten or any of the grades one through 12
32 in another district in accordance with an agreement entered into under
33 authority of K.S.A. 72-8233, and amendments thereto, or who is regularly
34 enrolled in a district and attending special education services provided
35 for preschool-aged exceptional children by the district.

36 (2) Except as otherwise provided in paragraph (3) of this subsection,
37 a pupil in attendance full time shall be counted as one pupil. A pupil in
38 attendance part time shall be counted as that proportion of one pupil (to
39 the nearest $\frac{1}{10}$) that the pupil's attendance bears to full-time attendance.
40 A pupil attending kindergarten shall be counted as $\frac{1}{2}$ pupil. A pupil en-
41 rolled in and attending an institution of postsecondary education which
42 is authorized under the laws of this state to award academic degrees shall
43 be counted as one pupil if the pupil's postsecondary education enrollment

1 and attendance together with the pupil's attendance in either of the
2 grades 11 or 12 is at least $\frac{5}{6}$ time, otherwise the pupil shall be counted
3 as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of
4 the pupil's postsecondary education attendance and attendance in grade
5 11 or 12, as applicable, bears to full-time attendance. A pupil enrolled in
6 and attending an area vocational school, area vocational-technical school
7 or approved vocational education program shall be counted as one pupil
8 if the pupil's vocational education enrollment and attendance together
9 with the pupil's attendance in any of grades nine through 12 is at least $\frac{5}{6}$
10 time, otherwise the pupil shall be counted as that proportion of one pupil
11 (to the nearest $\frac{1}{10}$) that the total time of the pupil's vocational education
12 attendance and attendance in any of grades nine through 12 bears to full-
13 time attendance. ~~A~~ **Except as provided by this section for preschool-**
14 **aged exceptional children and virtual school pupils, a** pupil enrolled
15 in a district and attending special education and related services, ~~except~~
16 ~~special education and related services for preschool-aged exceptional chil-~~
17 ~~ren,~~ provided for by the district shall be counted as one pupil. **A pupil**
18 **enrolled in a district and attending special education and related**
19 **services provided for by the district and also attending a virtual**
20 **school shall be counted as that proportion of one pupil (to the**
21 **nearest $\frac{1}{10}$) that the pupil's attendance at the non-virtual school**
22 **bears to full-time attendance.** A pupil enrolled in a district and at-
23 tending special education and related services for preschool-aged excep-
24 tional children provided for by the district shall be counted as $\frac{1}{2}$ pupil.
25 A preschool-aged at-risk pupil enrolled in a district and receiving services
26 under an approved at-risk pupil assistance plan maintained by the district
27 shall be counted as $\frac{1}{2}$ pupil. A pupil in the custody of the secretary of
28 social and rehabilitation services or in the custody of the commissioner
29 of juvenile justice and enrolled in unified school district No. 259,
30 Sedgwick county, Kansas, but housed, maintained, and receiving educa-
31 tional services at the Judge James V. Riddel Boys Ranch, shall be counted
32 as two pupils.

33 (3) A pupil residing at the Flint Hills job corps center shall not be
34 counted. A pupil confined in and receiving educational services provided
35 for by a district at a juvenile detention facility shall not be counted. A
36 pupil enrolled in a district but housed, maintained, and receiving edu-
37 cational services at a state institution shall not be counted. *Except as*
38 *provided by section 6, and amendments thereto,* a pupil enrolled in a
39 virtual school in a district ~~but who is not a resident of the state of Kansas~~
40 shall not be counted.

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

- 1 (c) “At-risk pupils” means pupils who are eligible for free meals un-
2 der 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 pu-
8 pils for participation in head start programs.
- 9 (e) “Enrollment” means: (1) (A) Subject to the provisions of para-
10 graph (1)(B), for districts scheduling the school days or school hours of
11 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
14 of 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 dis-
17 trict on September 20; (B) a pupil who is a foreign exchange student shall
18 not be counted unless such student is regularly enrolled in the district on
19 September 20 and attending kindergarten or any of the grades one
20 through 12 maintained by the district for at least one semester or two
21 quarters or 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 pre-
26 school-aged at-risk pupils, if any such pupils were enrolled, plus enroll-
27 ment in the current school year of preschool-aged at-risk pupils, if any
28 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 enrolled
30 and the average (mean) of the sum of (i) enrollment of the district in the
31 current school year minus enrollment in such school year of preschool-
32 aged at-risk pupils, if any such pupils are enrolled and (ii) enrollment in
33 the preceding school year minus enrollment in such school year of pre-
34 school-aged at-risk pupils, if any such pupils were enrolled and (iii) en-
35 rollment 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. 2007 Supp. 72-6448, and amendments thereto.
- 40 (f) “Adjusted enrollment” means ~~enrollment~~: **(1) Enrollment**] ad-
41 justed by adding at-risk pupil weighting, program weighting, low enroll-
42 ment weighting, if any, density at-risk weighting, if any, nonproficient
43 pupil weighting, if any, high enrollment weighting, if any, declining en-

- 1 rollment weighting, if any, school facilities weighting, if any, ancillary
2 school facilities weighting, if any, cost of living weighting, if any, special
3 education and related services weighting, and transportation weighting to
4 enrollment[; **or (2) adjusted enrollment as determined under sec-**
5 **tion 6 or 7, 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 as-
12 signed to enrollment of districts pursuant to K.S.A. 72-6412, and amend-
13 ments thereto, on the basis of costs attributable to maintenance of edu-
14 cational programs by such districts in comparison with costs attributable
15 to maintenance of educational programs by districts having to which high
16 enrollment weighting is assigned pursuant to K.S.A. 2007 Supp. 72-
17 6442b, and amendments thereto.
- 18 (j) “School facilities weighting” means an addend component as-
19 signed to enrollment of districts on the basis of costs attributable to com-
20 mencing operation of new school facilities.
- 21 (k) “Transportation weighting” means an addend component as-
22 signed to enrollment of districts on the basis of costs attributable to the
23 provision 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. 2007 Supp.
26 72-6449, and amendments thereto, apply on the basis of costs attributable
27 to the cost of living in the district.
- 28 (m) “Ancillary school facilities weighting” means an addend compo-
29 nent assigned to enrollment of districts to which the provisions of K.S.A.
30 72-6441, and amendments thereto, apply on the basis of costs attributable
31 to commencing operation of new school facilities. Ancillary school facil-
32 ities weighting may be assigned to enrollment of a district only if the
33 district has levied a tax under authority of K.S.A. 72-6441, and amend-
34 ments thereto, and remitted the proceeds from such tax to the state trea-
35 surer. Ancillary school facilities weighting is in addition to assignment of
36 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 ad-
41 dend component assigned to enrollment of districts on the basis of costs
42 attributable to provision of special education and related services for pu-
43 pils determined to be exceptional children.

1 ~~(p) “Virtual school” means any kindergarten or grades one through~~
2 ~~12 course offered for credit that uses distance-learning technologies~~
3 ~~which predominantly use internet-based methods to deliver instruction~~
4 ~~and for which the course content is available on an “anytime, anyplace”~~
5 ~~basis, but the instruction occurs asynchronously with the teacher and~~
6 ~~pupil in separate locations, not necessarily located within a local education~~
7 ~~agency.~~

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

18 (q) *“Declining enrollment weighting” means an addend component*
19 *assigned to enrollment of districts to which the provisions of K.S.A. 2007*
20 *Supp. 72-6451, and amendments thereto, apply on the basis of reduced*
21 *revenues attributable to the declining enrollment of the district.*

22 (r) *“High enrollment weighting” means an addend component*
23 *assigned to enrollment of districts pursuant to K.S.A. 2007 Supp. 72-6442b,*
24 *and amendments thereto, on the basis of costs attributable to mainte-*
25 *nance of educational programs by such districts as a correlate to low*
26 *enrollment weighting assigned to enrollment of districts pursuant to*
27 *K.S.A. 72-6412, and amendments thereto.*

28 (s) *“High density at-risk pupil weighting” means an addend compo-*
29 *nent assigned to enrollment of districts to which the provisions of K.S.A.*
30 *2007 Supp. 72-6455, and amendments thereto, apply.*

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

36 (u) *“Nonproficient pupil weighting” means an addend component*
37 *assigned to enrollment of districts on the basis of enrollment of nonprof-*
38 *icient pupils pursuant to K.S.A. 2007 Supp. 72-6454, and amendments*
39 *thereto.*

40 (v) *“Psychiatric residential treatment facility” has the meaning as-*
41 *cribed thereto by K.S.A. 72-8187, and amendments thereto.*

42 Sec. ~~8~~ ~~7~~ **[9.]** K.S.A. 2007 Supp. 72-6407 is hereby repealed.

1 Sec. ~~9.~~ ~~8.~~ **[10.]** This act shall take effect and be in force from and
2 after its publication in the statute book.