SENATE BILL No. 499

By Committee on Education

2-11

AN ACT concerning virtual schools; relating to virtual school state aid; increasing certain state aid amounts; providing for additional state aid for certain students who transfer to virtual schools; requiring a second count date of students included in the full-time equivalent enrollment of a virtual school; amending K.S.A. 72-3715 and repealing the existing section.

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

Section 1. K.S.A. 72-3715 is hereby amended to read as follows: 72-3715. (a) In order to each student 19 years of age or under shall be included in the full-time equivalent enrollment of a virtual school, a if such student shall be is in attendance at the virtual school on: (1) A single school day on or before September 19 of each school year; and (2) on a single school day on or after September 20, but before October 4 of each school year the fall count date or the spring count date, as such terms are defined in subsection (h).

(b) A school district which offers a virtual school shall determine the full-time equivalent enrollment of each student 19 years of age or under enrolled in the virtual school on September 20 of each school year as follows:

(1) For students enrolled in the virtual school on the fall count date:
   (A) Determine the number of hours the student was in attendance on a single school day on or before September 19 of each the school year;
   (B) determine the number of hours the student was in attendance on a single school day on or after September 20, but before October 4 of each school year;
   (C) add the numbers obtained under subsections (b)(1) and (b)(2) subparagraphs (A) and (B); and
   (D) divide the sum obtained under subsection (b)(3) subparagraph (C) by 12. The quotient is the full-time equivalent enrollment of the student; and

   (2) for students enrolled in the virtual school on the spring count date who were not enrolled in the virtual school on the fall count date:
      (A) Determine the number of hours the student was in attendance on a single day on or before February 19 of the school year;
      (B) determine the number of hours the student was in attendance on a
(C) add the numbers obtained under subparagraphs (A) and (B); and
(D) divide the sum obtained under subparagraph (C) by 12. The quotient is the full-time equivalent of the student.

(c) The school days on which a district determines the full-time equivalent enrollment of a student under subsections (b)(1) and (2) shall be the school days on which the student has the highest number of hours of attendance at the virtual school. No more than six hours of attendance may be counted in a single school day. Attendance may be shown by a student’s on-line activity or entries in the student's virtual school journal or log of activities.

(d) Subject to the availability of appropriations and within the limits of any such appropriations, each school year a school district—which that offers a virtual school shall receive virtual school state aid. The state board of education shall determine the amount of virtual school state aid a school district is to receive as follows:

(1) For students enrolled in the virtual school who are 19 years of age or under:
   (A) Determine the number of students enrolled in virtual school on a full-time basis, excluding those students who are over 19 years of age, on the fall count date and multiply the total number of such students by $5,000; $5,600;
   (B) determine the number of students enrolled in virtual school on a full-time basis on the spring count date and multiply the total number of such students by $2,800; and
   (2)(C) determine the full-time equivalent enrollment of students enrolled in virtual school on a part-time basis, excluding those pupils who are over 19 years of age, on the fall count date and multiply the total full-time equivalent enrollment of such students by $1,700 $2,000;
   (3)(2) for students enrolled in a virtual school who are over 19 years of age, determine the number of one-hour credit courses such students have passed, not to exceed six credit courses per school year, and multiply the total number of such courses by $709; and
   (4)(3) add the amounts calculated under subsections (d)(1) through (d)(4) paragraphs (1) and (2). The resulting sum is the amount of virtual school state aid the school district shall receive.

(e) (1) Each year, the state board of education shall determine the number of students enrolled in each virtual school who:
   (A) Transferred from a nonvirtual school of a school district in this state to a virtual school operated by a different school district in the preceding school year; and
   (B) were enrolled in any of the grades nine through 12 of the nonvirtual school and:
(i) Do not have sufficient credits to be expected to graduate in the same school year as such student's cohort at the time such student first enrolled in grade 9;
(ii) failed two or more courses; or
(iii) scored below grade level on any state assessment given to such student.

(2) The state board shall multiply the number of students determined in paragraph (1) by an amount equal to 45.6% of the BASE aid amount for the preceding school year.

(3) The state board of education shall certify to the director of accounts and reports an amount equal to the product determined in paragraph (2) for each school district. An amount equal thereto shall be transferred by the director from the state general fund to the state foundation aid account of the state department of education in the state general fund. Upon receipt of such amount, the state board shall disburse the amount determined for each school district to the virtual school fund of such school districts.

(4) The state board shall require the school district to remit or shall deduct from future state foundation aid payments made to the school district an amount equal to the number of students who transferred from a nonvirtual school of such school district who met the requirements of paragraph (1). Such amount shall be multiplied by 45.6% of the BASE aid amount for the preceding school year.

(f) (1) There is hereby established in every school district a fund which shall be called the virtual school fund, which fund shall consist of all moneys deposited therein or transferred thereto according to law. The expenses of a school district directly attributable to virtual schools offered by a school district may be paid from the virtual school fund. The cost of an advance placement course provided to a student by a virtual school shall be paid by the virtual school. Moneys deposited in or otherwise transferred to the virtual school fund shall only be expended for those costs directly attributable to the provision of virtual instruction.

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

(3) In preparing the budget of such school district, the amounts credited to and the amount on hand in the virtual school fund, and the amount expended therefrom shall be included in the annual budget for the information of the residents of the school district. Interest earned on the investment of moneys in any such fund shall be credited to that fund.

(4) For the purposes of this section, a student enrolled in a virtual school who is not a resident of the state of Kansas shall not be counted in
the full-time equivalent enrollment of the virtual school. The virtual school shall record the permanent address of any student enrolled in such virtual school.

For purposes of this section:

(1) "Fall count date" means a single school day on or before September 19 of the school year and a single school day on or after September 20 but before October 4 of the school year.

(2) "Full-time" means attendance in a virtual school for no less than six hours as determined pursuant to subsection (b).

(3) "Part-time" means attendance in a virtual school for less than six hours as determined pursuant to subsection (b).

(4) "Spring count date" means a single school day on or before February 19 of the school year and a single day on or after February 20 but before March 6 of the school year.

Sec. 2. K.S.A. 72-3715 is hereby repealed.

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