

*SPECIAL SESSION OF 2020*

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 5**

As Recommended by Senate Committee on  
Education

**Brief\***

SB 5 would amend law related to the provision of free ACT exams for Kansas high school students, concurrent and dual enrollment for high school students, and the authority of healing arts school clinics to provide healing arts services. The bill would also require the creation of a foster care report card and would establish the Kansas Promise Scholarship Act. The bill would also authorize the sale of land by Kansas State University in Saline County.

The bill also would make technical amendments.

***Free ACT Exams***

The bill would require the Kansas State Board of Education (State Board) to provide the ACT college entrance exam, ACT WorkKeys assessments, and the pre-ACT at no charge to any person enrolled in any public or accredited nonpublic school in Kansas. Current law requires the State Board to provide those examinations at no charge to students enrolled in public schools.

The bill would also require the State Board to submit an annual report to the Senate Committee on Education and the House Committee on Education that includes aggregate exam and assessment data for all students who were provided the examinations and assessments by the State Board.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

### ***Concurrent Enrollment and Dual Enrollment***

The bill would amend the Kansas Challenge to Secondary School Students Act (Act). Specifically, the bill would amend law related to concurrent and dual enrollment of high school students at postsecondary educational institutions.

#### ***Authority of School Districts***

The bill would allow school districts, at the discretion of the local board of education, to pay tuition, fees, books, materials, and equipment for any high school student who is concurrently or dually enrolled at a postsecondary educational institution (postsecondary institution). The bill would authorize a local board of education to pay all or a portion of those costs. The bill would require any such payment to be paid directly to the postsecondary institution by the school district. Students or their families would be required to pay any portion of the costs not covered by the school district. School districts would also be authorized to provide transportation for concurrently or dually enrolled students.

The bill would require school districts to grant high school credit to concurrently or dually enrolled students who satisfactorily complete course work at a postsecondary institution.

The bill would prohibit school districts from paying for technical education courses that are part of the Excel in Career Technical Education program (also known as SB 155 courses) administered by the Kansas Board of Regents (KBOR).

#### ***Student Eligibility and Requirements***

The bill would amend the definition of “student” in the Act to require a student to have an individualized plan of

study or an individualized education program. The new definition of student would be a person:

- Enrolled in grades 10, 11, or 12 in a school district, or a gifted student enrolled in grades 9, 10, 11, or 12;
- Who has demonstrated the ability to benefit from participation in the regular curricula of a postsecondary institution;
- With an individualized plan of study or an individualized education program;
- Who has been authorized by the principal of the school attended to apply for enrollment at an eligible postsecondary institution; and
- Is accepted for enrollment at an eligible postsecondary institution.

The bill would require a student to remain in good standing at the postsecondary institution in which they are enrolled or show satisfactory progress as determined by their school district In order to remain eligible for participation.

#### *Requirements on Postsecondary Educational Institutions*

The bill would require postsecondary institutions to notify a student or a student's parent or guardian if the course in which a student is enrolled is not eligible for a systemwide transfer of college credit, as determined by the KBOR.

#### *Tuition Waiver for Foster Care Students*

The bill would expand the Kansas Foster Child Educational Assistance Program to provide a tuition waiver for an eligible foster child who is concurrently or dually enrolled in a postsecondary institution. In addition, school

districts would be authorized to pay for any costs that are not waived, including for fees, books, materials, and equipment.

### *Reporting Requirements*

The bill would require each postsecondary institution that accepts students for concurrent or dual enrollment to submit a report to KBOR. The bill would require each report to include, but not be limited to, the following:

- The number of students from each school district enrolled in the postsecondary institution, including the number of students in foster care;
- The number of students who successfully complete the courses in which they are enrolled;
- The tuition rate charged for concurrently or dually enrolled students compared to the tuition rate charged regularly enrolled students; and
- The amount and portion of costs for concurrent and dual enrollment being paid by each school district.

KBOR would be required to compile and prepare a summary report of the reports submitted by postsecondary institutions. The bill would require this summary report to be submitted to the House Committee on Education and Senate Committee on Education on or before February 15 of each year.

### *Other Amendments*

The bill would amend the definition of “accredited independent institution” in the Act to include only not-for-profit postsecondary institutions and to specify the institution must be accredited by a nationally recognized accrediting agency.

### ***Authority of Healing Arts School Clinics***

The bill would clarify the authority of healing arts school clinics to provide healing arts services. The bill would allow schools statutorily exempted from KBOR approval requirements to be exempted from the prohibition on the corporate practice of medicine. Current law requires that, for a school clinic to be exempted from the prohibition on the corporate practice of medicine, the school must be approved by KBOR.

The bill would also allow off-site clinics owned or operated by a school in partnership with other providers to engage in the practice of healing arts.

### ***Foster Care Report Card***

The bill would require the Kansas State Department of Education (KSDE) and the Department for Children and Families (DCF) to prepare an annual academic report card on educational outcome data regarding foster care students. The bill would require the following data for foster care students to be included in the academic report card:

- The graduation rate;
- The number and percentage promoted to the next grade level;
- The number and percentage suspended during the school year;
- The number and percentage expelled during the school year;
- State standardized assessment scores and the number and percentage meeting academic standards;

- The number enrolled in preschool-aged at-risk programs, Kansas Preschool Pilot program, or early childhood special education program under the federal Individuals with Disabilities Education Act;
- The total number of foster care students in the state and how many are enrolled in school districts and how many are enrolled in accredited nonpublic schools; and
- The number and percentage of foster youth participating in the mental health intervention team pilot program or similar mental health programs.

The bill would also require de-identified disaggregated race and ethnicity data for all of the required data. The bill would require the academic report card to be submitted to the House Committee on Education and the Senate Committee on Education on or before January 15 of each year.

### ***Kansas Promise Scholarship Act***

The bill would establish the Kansas Promise Scholarship Act (KPSA), which would provide scholarships for students to attend an “eligible postsecondary educational institution.” The bill would define such an institution to include community or technical colleges established by law, the Washburn Institute of Technology, or any two-year associate degree program or technical certificate program offered by a private postsecondary educational institution that has its primary location in Kansas. The KPSA would be administered by KBOR.

To be eligible for a scholarship, a student would be required to:

- Be a Kansas resident;

- Be a graduate of Kansas public or private secondary school or have obtained a high school equivalency certificate within the preceding 12 months. The bill would also include students who graduate out of state while one or both parents are residents of Kansas and members of the Kansas National Guard who are stationed in another state. The bill would also include students who were in foster care at any time while enrolled in any of the grades 6 through 12. The bill would also include students enrolled in grade 12 in any public or private secondary school in Kansas;
- Complete the application form that would be established by KBOR;
- Enter into the scholarship agreement with the eligible postsecondary educational institution that stipulates that the student would:
  - Be a full-time student and complete the required career and technical education program or associate degree program with coursework in an identified job field that corresponds to a baccalaureate degree program;
  - Within 6 months of graduation, either work in Kansas for at least 2 years following completion of the program or enroll as a full-time student in a public or private postsecondary educational institution and upon graduation, work in Kansas for at least 2 years;
  - Maintain records and report to KBOR the fulfillment of requirements; and
  - Agree to repay the scholarship received, plus interest, upon failure to perform as specified in the agreement; and

- Complete the application for federal student aid and either:
  - Enroll in an eligible postsecondary educational institution with coursework in an identified job field that corresponds to a baccalaureate degree program; or
  - Transfer to a public or private postsecondary education institution that is primarily located in Kansas as a full-time student; and commence work in Kansas for at least 2 years following completion of the program.

The scholarship program would be subject to appropriations that could not exceed \$10.0 million annually and financing for this program could not begin until fiscal year 2022. The amount of a student's scholarship for each semester would be the aggregate of the amount of tuition and related fees or costs of the eligible postsecondary educational institution minus the aggregate amount of all other aid awarded to the student. The bill would specify aid includes any financial assistance that would not require repayment. The bill would not prohibit a student enrolled in high school who received a postsecondary course credit from qualifying for the scholarship. To continue receiving the scholarship, the student would be required to:

- Annually complete 100 hours of community service or be verified by the eligible postsecondary educational institution to be employed part-time;
- Maintain a cumulative grade point average of 2.0 or greater; and
- Satisfy other requirements specified in the agreement.

The scholarship conditions would be satisfied when the student:



- Completes the requirements of the agreement;
- Fails to complete the educational requirements after making a best effort attempt;
- Cannot obtain and continue employment;
- Cannot satisfy the requirements due to a permanent physical disability; or
- Dies.

KBOR would be required to adopt rules and regulations pertaining to:

- Application deadlines for the scholarship;
- Appeals process for denial or revocation of a scholarship;
- Guidelines for the transferability of a graduated student's credits from an eligible postsecondary educational institution to a state educational institution or a municipal university;
- Procedures for a student to record and report proof of community service hours;
- The terms, conditions, and requirements of the scholarship agreement between the KBOR and the student;
- Procedures for requesting and approving certain absences from an eligible postsecondary educational institution;
- Criteria for determining whether a student has fulfilled the employment and repayment requirements specified in the bill, including methods of repayment; and

- Criteria for determining whether special circumstances or good cause are present that prevent a student from completing the scholarship requirements.

KBOR would be required to:

- Publicize the scholarship program by working with various community partners;
- Allocate funds to each postsecondary educational institution;
- Request information from each postsecondary educational institution;
- Collaborate annually with the Department of Commerce and Kansas business and industry to identify up to ten job fields that have the highest need for skilled employees;
- Designate scholarship-eligible career and technical programs and transfer education programs that correspond with the job fields and pathways;
- Ensure students fulfill the scholarship agreement; and
- Starting in January 2021, annually evaluate the program and report to the standing education committees of the House and Senate.

KBOR would be authorized to transfer any repayment account to a loan servicer or collection agency. Moneys received would be credited to the State General Fund.

The KPSA would sunset on July 1, 2025.

## ***Kansas State University Land Sale***

The bill would authorize the sale of land by Kansas State University in Saline County.

### **Background**

The bill was introduced by Senators Baumgardner, Alley, Berger, Braun, Goddard, Hilderbrand, Lynn, Olson, Petersen, Rucker, Thompson, and Tyson.

On June 3, 2020, the bill was referred to and later passed by the Senate Committee on Education.

The provisions of SB 5 are substantially similar to those passed by the Legislature during the 2020 regular session as HB 2510, which was vetoed by the Governor following the *sine die* adjournment of the Legislature. [Note: The only difference between SB 5 and 2020 HB 2510 is the prohibition in SB 5 of moneys being spent on the Kansas Promise Scholarship Program during FY 2021.]

A fiscal note on the bill was not immediately available.