

K-12 Education Appropriations and Other Provisions; Senate Sub. for HB 2567

Senate Sub. for HB 2567 makes appropriations for the Kansas State Department of Education (KSDE) for FY 2022, FY 2023, and FY 2024, makes adjustments to the Kansas School Equity and Enhancement Act (KSEEA), and amends various provisions of law related to K-12 Education. [Note: This bill summary has been updated to more accurately reflect the exception from open enrollment provisions for schools on military bases.]

The bill:

- Makes appropriations for the KSDE for FY 2022, FY 2023, and FY 2024 (Sections 1-4);
- Affirms the importance of excellence in education (Section 5);
- Establishes the Every Child Can Read Act (New Section 6), effective July 1, 2023;
- Authorizes boards of education of school districts to allow students enrolled in grades 6 through 12 to earn course credits through alternative educational opportunities (New Section 7);
- Establishes a transfer system for nonresident students between unified school districts based upon the student capacity of each unified school district (Sections 8, 9, 13, and 15-18), effective July 1, 2023;
- Amends the Johnson County Research Triangle Authority Act (Section 10);
- Amends reporting requirements for the Kansas State High School Activities Association (KSHSAA) (Section 11);
- Requires local school boards to annually review state academic assessments and utilize such assessments and the school district's building needs assessment when reviewing and approving the school district's budget (Section 12);
- Amends the compulsory school attendance statute to consider students enrolled in a combination of public and private school during the required periods of time as compliant with compulsory attendance requirements (Section 14);
- Amends the Virtual School Act to prohibit any virtual school from offering or providing any financial incentive for a student to enroll in a virtual school (Section 19);

- Amends the Virtual School Act to require that a virtual school's graduation rate shall include only those students who enrolled in a virtual school with sufficient credits to be expected to graduate in the same school year as such student's cohort group (Section 19);
- Amends the virtual school finance system to provide funding on a per-course basis for a student who is 19 years of age and younger and meets certain other requirements (Section 20);
- Amends the Tax Credit for Low Income Students Scholarship Program (Section 21);
- Amends the calculation of local foundation aid within the KSEEA by removing federal impact aid from the formula and amend the calculation of capital improvement state aid (Sections 22 and 23);
- Amends the school and school district accountability reports law and requires KSDE to prepare and submit to the Governor and the Legislature a summary report regarding student achievement (Section 24);
- Establishes the Capital Improvement State Aid Fund and identifies transfers as revenue transfers from the State General Fund (SGF) (Sections 25 and 26);
- Amends the Kansas Promise Scholarship Act (Sections 28-33);
- Amends parental notification and consent requirements regarding nonacademic tests, questionnaires, surveys, or examinations regarding a student's personal and private attitudes, values, beliefs, or practices (Section 27); and
- Establishes educational benefits for dependents or spouses of certain first responders and military personnel (Section 34).

Appropriations for FY 2022, FY 2023, and FY 2024

FY 2022

The bill appropriates the following from the SGF in FY 2022 for KSDE:

- \$178,986 for the Education Superhighway; and
- \$10.3 million for Supplemental State Aid.

The bill modifies the SGF appropriation, in FY 2022, for KSDE. The bill lapses the following moneys appropriated from the SGF in FY 2022:

- \$25,749 for operating expenditures;

- \$7.8 million for the Kansas Public Employees Retirement System (KPERS) non-Unified School Districts (USDs);
- \$24.0 million for the KPERS-USDs; and
- \$58.6 million for State Foundation Aid in FY 2022.

FY 2023

The bill appropriates \$6.4 billion, including \$4.2 billion SGF, for FY 2023 for KSDE. This includes \$5.3 billion, including \$4.2 billion SGF, for the major categories of school finance, KPERS-USDs, and KPERS-non-USDs. Appropriations from the SGF include the following:

- \$14.2 million for operating expenditures;
- \$157.3 million for State Foundation Aid;
- \$54.0 million for Supplemental State Aid;
- \$80,000 for Center for READING;
- \$37.7 million for KPERS-non-USDs;
- \$520.8 million for KPERS-USDs;
- \$2.8 million for the ACT and WorkKeys Assessments Program;
- \$10.5 million for the Mental Health Intervention Team Pilot Program;
- \$300,000 for the Juvenile Transitional Crisis Center Pilot;
- \$67,700 for Education Commission of the States dues;
- \$10,000 for the School Safety Hotline;
- \$5.1 million for the School District Juvenile Detention Facilities and Flint Hills Job Corps Center Grants;
- \$2.5 million for School Food Assistance;
- \$1.3 million for the Mentor Teacher Program;

- \$110,000 for Educable Deaf-blind and Severely Handicapped Children's Programs Aid;
- \$520.4 million for Special Education Services Aid;
- \$360,693 for Governor's Teaching Excellence Scholarships and Awards;
- \$1.8 million for Professional Development State Aid;
- \$4.0 million for a virtual math program (SGF moneys would lapse if American Rescue Plan Act [ARPA] funds are available);
- \$1.0 million for Computer Science Education Advancement Grants;
- \$40,000 for the Computer Technical Education Pilot;
- \$1.5 million for Career and Technical Education Transportation; and
- \$4.0 million for School Safety and Security Grants.

The bill also appropriates \$1.0 million from federal ARPA funds through the Office of the Governor for School Safety and Security Grants for FY 2023. The bill allows school districts to expend school safety and security grants for salaries and wages related to newly created school resource officer positions in addition to existing allowable purposes.

The bill also appropriates funding from several no-limit special revenue funds, including federal funds, and fee funds. The bill appropriates the following from the Children's Initiatives Fund (CIF):

- \$375,000 for the Children's Cabinet Accountability Fund;
- \$20.7 million for CIF grants;
- \$8.4 million for the Parent Education Program, also known as Parents as Teachers;
- \$4.2 million for the Pre-K Pilot Program;
- \$1.4 million for Early Childhood Infrastructure; and
- \$500,000 for the Dolly Parton Imagination Library.

The bill provides for the following transfers:

- \$50,000 on July 1, 2022, or as soon as moneys are available, from the Family and Children Trust Account of the Family and Children Investment Fund of the KSDE to the Communities in Schools Program Fund of the KSDE;
- \$550,000 on March 30, 2023, and \$550,000 on June 30, 2023, from the State Safety Fund to the SGF to reimburse costs associated with services provided by other state agencies on behalf of KSDE;
- \$73,750, quarterly, from the State Highway Fund of the Department of Transportation to the School Bus Safety Fund of KSDE;
- An amount certified by the Commissioner of Education from the Motorcycle Safety Fund of the KSDE to the Motorcycle Safety Fund of the State Board of Regents, to cover costs of driver's license programs conducted by community colleges; and
- \$70,000 from the Universal Service Administrative Company E-rate program federal fund of the State Board of Regents to the Education Technology Coordinator Fund of KSDE.

The bill appropriates \$260,535 from the Kansas Endowment for Youth Fund for the Children's Cabinet administration.

The bill also authorizes the Commissioner of Education to transfer any part of an SGF appropriation for KSDE to another SGF appropriation in KSDE for FY 2023.

The bill appropriates \$41.4 million from the Expanded Lottery Act Revenues Fund for KPERS-non-USDs.

The bill appropriates \$4.0 million from federal ARPA funds in FY 2023 through the Office of the Governor for KSDE to implement a virtual math program to be made available to all school districts. The bill specifies that KSDE is required to recommend use of the virtual math program to all school districts. The bill also states that if ARPA funds are not available, the virtual math program will be funded with SGF moneys.

The bill requires the virtual math program to be customized to Kansas curriculum standards, be evidence-based, not impose any fee upon students, provide tutoring in multiple languages, provide professional development for the implementation of the program, and have been implemented in other states over the previous eight fiscal years.

All districts implementing a virtual math program are required to track and report to KSDE twice during school year 2022-2023, as determined by KSDE, the number of attendance centers and students using a virtual math program, the number of students not using a virtual math program, the number of teachers participating in professional development provided by a virtual math program, and the effect of the program on student academic proficiency. KSDE is required to submit a summary report to the House Committee on K-12 Education Budget and the Senate Committee on Education including a list of school districts and attendance centers that are using a virtual math program, a list of school districts and attendance centers not using

a virtual math program, and a comparison between low-usage and high-usage school districts and attendance centers.

The bill also increases virtual state aid from \$5,000 per full-time pupil to \$5,600 per full-time pupil and increases virtual state aid from \$1,700 per part-time pupil to \$2,800 per part-time pupil, beginning in FY 2023.

FY 2024

For FY 2024, the bill appropriates from the SGF \$2.6 billion for State Foundation Aid and \$568.2 million for Supplemental State Aid. The bill also authorizes expenditures from the State School District Finance Fund and the Mineral Production Education Fund. The bill appropriates \$2.0 million SGF for FY 2024 for the virtual math program.

Every Child Can Read Act

Purpose

The bill provides a legislative statement of intent regarding the promotion of academic achievement in schools.

Every Child Can Read Act

The bill enacts the Every Child Can Read Act to promote third-grade literacy initiatives. This section requires the board of education of each school district to provide opportunities for students to participate in targeted educational interventions. The bill requires literacy to be attained through the Science of Reading, evidence-based reading instruction, and necessary competencies to attain proficiency. Schools are required to follow and use the framework of KSDE's Dyslexia Handbook.

Each school district must ensure that the competencies are achieved through literacy instruction in:

- Phonics;
- Vocabulary development;
- Reading fluency; and
- Reading comprehension.

The bill requires each school district to measure student achievement through state assessments and through other universal screening and assessment tools that are approved by the local board of education, or by KSDE. School districts must provide targeted and tiered interventions designed to match a student's individual needs through additional contact hours with the student, which may include additional one-on-one instruction, small group instruction, tutoring, or summer school.

Additionally, school districts must ensure that each third-grade teacher communicates with the parents of each third-grade student at least once each semester regarding the student's individual deficiencies and any recommended interventions for such student. Such teacher-to-parent communication must provide the parent with:

- A summary of the Every Child Can Read Act and the goals of the Act;
- The student's assessment data that pertains to literacy;
- Recommended interventions for the student; and
- How the school district tracks outcomes of those interventions.

The bill also requires each school district to annually report information regarding the school district's implementation of the Every Child Can Read Act to KSDE including:

- The school district's interventions and outcomes of such interventions;
- The number of third-grade students in the district;
- The screening and assessment data that the district is using to evaluate student progress in literacy; and
- The percentage of all students and student subgroups who are proficient, moving towards proficiency, or deficient.

The bill requires KSDE to annually submit a summary of such reports to the Governor and Legislature.

Alternative Educational Opportunities

The bill authorizes school district boards of education to adopt policies to allow students enrolled in grades 6 through 12 to earn course credits through alternative educational opportunities with sponsoring entities. The bill defines the following terms:

- "Alternative educational opportunity" means the instruction that primarily occurs outside the classroom with a sponsoring entity; and
- "Sponsoring entity" means a business, not-for-profit organization, nonprofit organization, trade association, parent of a student, teacher, or administrator that partners with a school district to provide an alternative educational opportunity to students.

Alternative Education Policy

The bill requires a school district's policy to establish the following:

- Eligibility requirements for sponsoring entities;

- Requirements for the provision of alternative educational opportunities by sponsoring entities;
- Procedures for a sponsoring entity to submit a proposal to the school district to provide an additional educational opportunity to students;
- Criteria the school district will use to evaluate proposals; and
- Course credit that may be earned through the alternative educational opportunity.

Alternative Education Proposals

The bill authorizes a school district to accept a proposal from a sponsoring entity if the alternative education opportunity:

- Provides an additional learning opportunity through a work-based, pre-apprenticeship, apprenticeship, internship, industry certification, or community program; and
- Is approved by the State Board of Education (State Board) as an alternative educational opportunity; or
- Complies with the school district policies adopted pursuant to the program; and
- Is managed and directed by a licensed teacher employed by the school district.

State Board of Education

The bill allows a sponsoring entity to petition the State Board to approve an alternative education opportunity that is provided through such sponsoring entity if such alternative education opportunity provided through such sponsoring entity is generally applicable on a statewide or regional basis across multiple school districts. The State Board is required to approve or deny each petition proposing an alternative educational opportunity within 90 days of receipt of such proposal.

If the State Board denies the proposal, it must provide the sponsoring entity with the reasons for such denial. If the State Board approves such proposal, any school district is permitted to implement the alternative education opportunity. The State Board may revoke any such approved proposal if it determines that the sponsoring entity fails to comply with the requirements of the program.

Reporting Requirement

The bill requires school districts to report information to KSDE on the alternative educational opportunities that are authorized in the school district, the names of the sponsoring entities, the number of students participating, and the number of credits earned.

Open Enrollment

Definitions

The bill defines various terms including, but not limited to, “homeless child,” “nonresident student,” “receiving school district,” and “sending school district.”

Transfer Policy

The bill requires each board of education (board) of a school district (district) to adopt a policy to determine the capacity of the district to accept nonresident students in each grade level on or before January 1, 2024.

The bill requires the policies to be consistent with the provisions of the bill and clearly specify reasons for the denial of continued enrollment by a nonresident student. Such reasons for denial could include, but are not limited to, elements such as a nonresident student’s history of school absenteeism, suspensions, or expulsions.

Prior to adopting such policy, the board must hold a hearing. The board must provide notice of the hearing, to include the time, date, and place of the public hearing to be held on the proposed policy. The bill requires the notice to be published at least once each week for two consecutive weeks in a newspaper of general circulation in the school district and posted on the school district’s website. A representative of the board must present the board’s proposal for the policy at the hearing, and the board must hear testimony regarding the proposed policy. After consideration of the testimony and evidence presented or submitted at such public hearing, the board will determine whether to adopt the policy or revise the proposed policy at a subsequent public meeting of the board.

The bill requires policies adopted by the board pursuant to this bill to be published on the district’s website.

Public School Eligibility

The bill amends law regarding where students may attend public school by no longer requiring a student’s resident school district to have an agreement with the nonresident school district where the student wishes to attend.

Open Enrollment Procedure

The bill authorizes, beginning in the 2024–2025 school year, any student eligible to attend a public school within the state to attend a school within a district regardless of whether the student is a resident of the district, if the nonresident district has open capacity.

Capacity

The bill requires capacity to be determined as the classroom student-teacher ratio in each grade for grades kindergarten through 8 and the student-teacher ratio for each school building or program in each school building for grades 9 through 12.

On or before May 1 of each year, each local board must determine the following for each grade level in each school building within the district:

- Capacity of the district;
- Number of students expected to attend school in the district; and
- Number of open seats available for nonresident students.

The bill requires the number of open seats available for nonresident students to be published on the district's website by June 1 of each year for each grade level at each school building.

Transfer Application Process

The bill allows students to submit applications to nonresident school districts between June 1 and June 30 each year for the fall semester.

If the number of applications to a district is equal to or less than the available capacity for a grade level in a district, all applicants must be accepted for enrollment within the district. If the number of applications exceeds the capacity for a grade level within the district, the district will randomly select nonresident students via a lottery process on or before July 15 of each year.

Student Denial

The bill requires any district denying the continued enrollment of a nonresident student or denying the acceptance of a new nonresident student to notify the student's parent or guardian of the reason for denial. Reasons for such denial can include, but are not limited to, elements such as a nonresident student's history of school absenteeism, suspensions, or expulsions. [Note: Students can be denied acceptance to a nonresident district only if there is no capacity or they were not selected during the lottery process.]

Nonresident Enrollment Priority and Exceptions

The bill provides priority enrollment to the siblings of an accepted, nonresident student during the initial acceptance or at any other time the district considers applications. Siblings are not subject to the open seat lottery.

The bill allows any student in the custody of the Department for Children and Families (DCF) living in the home of a nonresident student to attend school in the receiving district.

Prohibitions

The bill prohibits districts from charging tuition or fees to nonresident students except for fees otherwise charged to every student enrolled and attending in the district. Districts are also prohibited from admitting or denying students based upon the following criteria:

- Ethnicity;
- National origin;
- Gender;
- Income level;
- Disabling condition;
- Proficiency in the English language;
- Measure of achievement;
- Aptitude; or
- Athletic ability.

Continued Enrollment

The bill states that any nonresident student who has been accepted for enrollment and attendance at a receiving district could continue at the district until the student graduates from high school or is no longer in good standing based upon the nonresident transfer policy of the district.

The bill reaffirms that students may enroll at any time in the district in which the student resides.

Transportation

The bill does not require a district to provide transportation to nonresident students; however, if space is available on district transportation vehicles, a district can provide nonresident students with a bus stop within the district where transportation can be provided to and from school for nonresident students.

Kansas State High School Activities Association

The bill states that nonresident students who transfer would be subject to policies and requirements of the KSHSAA.

Reporting

The bill requires boards to submit the number of nonresident student transfers approved and denied, and the reason for the denials, to KSDE. Such numbers will be compiled by KSDE and will be reported on the KSDE website and provided to the Legislative Division of Post Audit (LPA).

The bill requires KSDE to audit a district's nonresident student capacity and enrollment during a district's annual enrollment audit.

In calendar year 2027, the bill requires the Legislative Post Audit Committee to direct LPA to conduct an audit of nonresident student transfers. The bill requires the audit to be presented to the Legislative Post Audit Committee on or before January 15, 2028, and then presented to the House Committee on K-12 Education Budget and the Senate Committee on Education.

The bill also clarifies open enrollment will not apply to schools on military bases. [*Note:* This provision currently applies only to USD 207, Fort Leavenworth and USD 475, Geary County Schools.]

The bill also makes corresponding changes to other sections of law.

Johnson County Research Triangle

The bill authorizes use of funds remitted to the Johnson County Research Triangle to be used for other undergraduate and graduate programs at the Johnson County location of Kansas State University that have been both approved by the Johnson County Research Triangle Authority Board of Directors and do not include either pre-baccalaureate programs or lower-division courses for high school students.

Kansas State High School Activities Association Reporting

The bill makes KSHSAA board members, officers, and employees mandatory reporters of child abuse or neglect.

Using Needs Assessment in Budget Processes

The bill requires local school boards to annually review state academic assessments and utilize such assessments and the school district's building needs assessment when reviewing and approving the school district's budget.

The bill requires a local school board to utilize the district's building needs assessment during approval of the school district budget. The bill requires school boards to include in their minutes during approval of the budget that the board received the district's needs assessment, how the board evaluated said assessment, and how said assessment was utilized in the district's budget.

The bill requires a school board to conduct an annual review of state assessment results for its district and that the review document the following findings:

- Barriers that must be overcome for all students to achieve above level 2 proficiency on state assessments;
- Budget actions that should be taken to address and remove barriers; and
- The amount of time the board estimates it will take for all students to achieve above level 2 on state assessments if budget actions are implemented.

Each school district must ensure all building needs assessment and state assessment documentation is available on the district's website.

Part-time Enrollment

The bill amends the compulsory school attendance statute to consider students enrolled in a combination of public and private school during the required periods of time as compliant with compulsory attendance requirements. The bill also makes changes regarding when a student 16 to 17 years of age may be exempt from compulsory attendance:

- Clarifying that, following a final counseling session with the school, the student's parent or person acting as parent can provide written consent to allow exemption; and
- Including an exemption for a child subject to a court order that allows or requires the child be exempt from compulsory attendance.

The bill also requires school districts to allow for the part-time enrollment of students who are also enrolled in a private school or home school. Each board of education of a school district must adopt a policy to allow such students to enroll and attend any courses, programs, or services offered by the school district.

If school districts receive specific scheduling requests from part-time enrolled students, the bill requires the school district to make a good faith attempt to accommodate such requests, but the bill would not require such school district to accommodate all requests.

Virtual School Graduation Rates and Virtual School Financial Incentives

Virtual School Graduation Rates

The bill amends the Virtual School Act to require a virtual school's graduation rate to include only those students who enrolled in a virtual school with sufficient credits to be expected to graduate in the same school year as such student's cohort group. The bill requires that this graduation rate calculation be done only at the state level for accreditation purposes.

Virtual School Financial Incentives

The bill amends the Virtual School Act to prohibit any virtual school from offering or providing any financial incentive for a student to enroll in a virtual school. A financial incentive is defined as any monetary payment or award that is intended to encourage, entice, or motivate a student to enroll in a virtual school.

Virtual Diploma Completion

Virtual Diploma Completion

The bill amends the virtual school finance system to provide funding on a per-course basis for a student who is 19 years of age or younger and:

- Has a ratio of earned credits to expected credits for their cohort year of less than 75.0 percent when enrolling in a virtual school;
- Has done one of the following:
 - Dropped out of high school such that the student has not attended any school of a school district for 60 consecutive days or more during the current school year and the student is not reasonably anticipated to recommence enrollment or attendance at any school or school district during the current school year;
 - Dropped out of high school such that the student has not attended any school of a school district for 60 consecutive days or more during the preceding school year, and the student did not finish such preceding school year, and the student is not reasonably anticipated to recommence enrollment or attendance at any school of a school district during the current school year; or
 - Been exempted from compulsory student attendance by written consent of the parent pursuant to KSA 72-3120; and
- Has not been counted in the enrollment of a virtual school as a full-time or part-time virtual student during the school year in which such student enrolls as a dropout diploma completion virtual student.

The bill authorizes virtual schools to receive \$709 per passed course with a maximum of six courses per year, per eligible student.

Tax Credit for Low Income Students Scholarship Program

The bill amends the Tax Credit for Low Income Students Scholarship Program Act to include children seven years of age or under in the definition of “eligible student.”

Federal Impact Aid and Capital Improvement State Aid

The bill amends the calculation of a unified school district’s local foundation aid by removing the requirement that 70.0 percent of a school district’s federal impact aid be included in the calculation.

[*Note:* Federal impact aid is provided to school districts that have lost property tax revenue due to the presence of tax-exempt federal property or serve large numbers of federally connected students.]

The bill extends the statutory cap on the aggregate amount of school district general obligation bonds the State Board may approve to June 30, 2027.

School districts that are not eligible to receive capital improvement state aid or that have opted out of receiving such aid are exempt from the general obligation bond cap.

For all general obligation bonds approved at elections held on or after July 1, 2022, the bill removes Unified School District 207, Fort Leavenworth, from the determination of the school district with the lowest assessed value per pupil (AVPP), and the capital state aid computation will begin at 51.0 percent.

The bill also excludes all students enrolled in a virtual school within a school district from the determination of that district’s AVPP.

Student Achievement Summary Report

The bill amends school and school district accountability reports law to require KSDE to prepare and submit to the Governor and the Legislature a summary report regarding student achievement. Such report must provide:

- A statewide summary of the performance accountability reports and longitudinal achievement reports that are prepared by KSDE, which include:
 - Achievement results from English language arts (ELA) and math assessments over the preceding five years for all students and student subgroups to show whether there are statewide trends in academic achievement or learning loss;
 - A comparison to any other evaluation metric used by the State Board, such as college and career readiness or graduation rates;

- A comparison to other educational assessments such as the National Assessment of Educational Progress (NAEP);
 - An analysis of trends in student achievement outcomes and a review of conditions that are impacting educational outcomes;
 - A review of the academic interventions that school districts are using to improve student performance, whether the State Board has any recommendations regarding interventions, and the estimated achievement gains of such interventions; and
 - A summary of performance levels and the scale and cut scores for the statewide assessments; and
- A student-focused longitudinal achievement report that provides information on achievement gains or losses for certain student cohort groups. Such report must begin with all students entering the third grade and the students entering eighth grade in school year 2022-2023 and summarize the longitudinal achievement of such students over a three-year period. KSDE must repeat such report every three years for such grade levels. Each longitudinal report must include:
 - A summary of the improvement or learning loss occurring within such cohorts;
 - An analysis of evaluations and metrics used to measure the year-over-year achievement of such student cohorts;
 - A review of the academic interventions that school districts use to improve student performance, whether the State Board has any recommendations regarding interventions, and the estimated achievement gains of such interventions; and
 - The achievement results from the ELA and math assessments and any other assessment data, such as the NAEP, ACT, and pre-ACT for such student cohort groups.

Surveys

The bill adds requirements for the administration of nonacademic surveys, including tests, questionnaires, and examinations in schools. The bill applies such requirements to any survey administered during the school day that contains questions about the personal and private attitudes, values, beliefs, or practices of the student or any of the student's family, friends, or peers. The bill requires the school to provide written notification prior to the administration of any such survey to the parent or guardian no more than four months in advance of the administration of the survey. The bill requires the written parental notification to include the following information:

- A copy of the survey;

- Information on how the parent can provide written consent for the student to participate;
- The name of the company or entity that produces or provides the survey; and
- Whether the school will receive or maintain the resulting data and how the school will use such data.

The bill provides that a parent's written consent can only be accepted by a school after the parent receives the required notification and has had an opportunity to review the information in such notification. A separate notification is required for each survey, and the parent's written consent is required upon each notification for a student to participate. If a parent provides written consent, the bill requires a student to be informed the student has the right to refuse to take such survey and not suffer any adverse consequences for the decision.

The bill requires each school to post and maintain copies of each survey that is administered in the school district. The bill requires copies to be posted on the school district website and updated as necessary. The bill also provides that no such survey shall be incorporated or embedded in any academic program, course, or curriculum offered or provided by a school district.

The bill prohibits the collection of any personally identifiable student data on any such survey.

Suicide Risk Assessments and Screening Tools

The bill allows designated school personnel (school personnel), if they become aware of a credible report of a student suicide risk, to administer a suicide risk assessment or screening tool to determine whether the student could be at risk for suicide. Such school personnel include, but are not limited to, any administrator, teacher, counselor, social worker, psychologist, or nurse.

Prior to the administration of the risk assessment or screening tool, the school personnel must verbally notify the parent or guardian. If the school personnel are not able to reach the parent or guardian and obtain consent after reasonable attempts to do so, the risk assessment or screening tool can be administered. If the risk assessment or screening tool was administered without the parent or guardian's consent, school personnel must notify the parent as soon as contact can be made that the risk assessment or screening tool was administered and provide the parent or guardian with all information obtained from the risk assessment or screening tool.

Promise Scholarships

Definitions, Kansas Promise Scholarship Act

The bill amends the definition of "eligible postsecondary institution" by adding the requirement that any community college or technical college have a recognized service area in

order to qualify. The bill amends the definition of “part-time student” to clarify that enrollment in the required six credit hours could occur in the fall, summer, or spring semester.

The bill amends the term “promise eligible program” to require the program to be both approved by the Board and be considered high wage, high demand, or critical need. The bill also requires promise-eligible programs to be within a field of study designated in the bill. [*Note:* These requirements are added to all other requirements within the program definitions.]

State Board of Regents

Responsibilities. The bill changes the date by which the State Board of Regents (Board) is directed to adopt rules and regulations for the Kansas Promise Scholarship Program (Program) from March 1, 2022, to March 1, 2023.

The bill also clarifies elements of the Board’s responsibilities. The Board is no longer responsible for setting the deadline for scholarship applications but instead is responsible for accepting and processing scholarships throughout the year.

The Board is also prohibited from adopting terms, conditions, and requirements for scholarship agreements that are more stringent than the requirements for scholarship agreements provided in the Kansas Promise Scholarship Act (Act).

The bill adds responsibilities of the Board, including the following:

- Requesting information from state agencies necessary for administration of the Act;
- Accepting electronic signatures on all forms and agreements;
- Enforcing Kansas Promise Scholarship agreements;
- Collecting moneys repaid by students; and
- Determining fulfillment of residency work requirements.

The bill clarifies Kansas Promise Scholarship agreements are made between the Board and the student.

The bill establishes the process by which the Board may remove promise eligible programs from the list of approved programs.

Annual report. The bill clarifies the annual report requirement by stating that the report shall include, but not be limited to, the following information:

- Total program cost for each promise-eligible program at each eligible postsecondary institution;

- Amount of scholarship moneys awarded that went to each promise-eligible program;
- Number of credit hours paid for with scholarship moneys;
- Amount of scholarship moneys expected to be awarded to each eligible postsecondary institution for each semester;
- Number of scholarships awarded;
- Total amount of scholarship moneys awarded;
- Measures postsecondary educational institutions have taken in working with private business and industry in the state to determine appropriate fields of study;
- Review of the employment of scholarship recipients who have graduated from the Program including employment fields and geographic location of such employment; and
- Amount of scholarship moneys provided for:
 - Tuition;
 - Fees;
 - Books; and
 - Supplies.

Associate degree transfer program. The bill allows the Board to designate an associate degree transfer program as an eligible program if the program includes an established 2 + 2 agreement with a four-year postsecondary educational institution or an articulation agreement with said educational institution, and is part of an established degree pathway that allows for the transfer of a minimum of 60 credit hours.

The bill applies the designation of associate degree transfer programs retroactively to the enactment of the Program on July 1, 2021.

Scholarship funds. The bill requires the Board to disburse scholarship funds through reimbursement requests from eligible postsecondary institutions, and reimbursement requests shall be based upon the actual amount of awarded scholarships for the academic period. The bill states all requests shall be submitted to the Board on or before September 1, December 1, March 1, and June 1 of each year. The Board is required to disburse funds to eligible postsecondary institutions on September 15, December 15, March 15, and June 15 of each year.

The bill states the Board is the sole entity responsible for collection and recoupment of Kansas Promise Scholarship funds required to be repaid by students who fail to meet the requirements of the Act.

The Board is authorized to designate a loan servicer or collection agency to collection and recoup such funds on the Board's behalf.

Postsecondary Institutions

Requirements. The bill prohibits eligible postsecondary institutions from limiting scholarship awards to certain programs at the institution or awarding less than the full scholarship amount to students who qualify under the Act as long as funds are available.

Eligible postsecondary institutions are required to counsel eligible students regarding the requirements and conditions of the promise scholarship agreements.

The bill also clarifies that no eligible postsecondary education institution is permitted to advertise Kansas Promise Scholarships in any state other than Kansas.

Additional field of study. The bill amends the Program by allowing eligible postsecondary educational institutions to designate an additional field of study that meets local employment needs to be eligible for scholarships. To be eligible, the field of study must meet the following requirements:

- The field of study contains promise-eligible programs approved by the Board;
- The institution already offers such field of study; and
- The field of study is one of the following:
 - Agriculture;
 - Food and natural resources;
 - Education and training;
 - Law, public safety, corrections, and security; or
 - Distribution and logistics.

The bill removes provisions allowing the designation of a single additional program rather than all eligible programs within a field of study.

The bill requires all programs designated by eligible institutions prior to enactment of the bill to be maintained until all students currently enrolled have exhausted their promise scholarship eligibility.

Enforcement. The bill clarifies that eligible postsecondary educational institutions cannot be considered contractors of the State and are not required to participate in the tracking,

collection, or recoupment of funds by students who fail to uphold the requirements of their scholarship agreement.

Kansas Promise Scholarships. The bill requires these scholarships be awarded for an academic year rather for a semester.

The bill also establishes a definition of “aid” to mean any grant, scholarship, or financial assistance awards that do not require repayment, with the exceptions of assistance provided under the Servicemen’s Readjustment Act of 1944 (GI Bill) or any family postsecondary savings account (Section 529 Accounts).

The bill removes language allowing excess funds to be awarded to eligible students whose family household income exceeds the limits in the Act.

The bill caps the expenditures for eligible students to either 68 credit hours or \$20,000, whichever occurs first, over the lifetime of the student. Students are also prohibited from using promise scholarship funds for the following:

- Prerequisite classes required for promise-eligible programs unless said prerequisite is within the eligible program; or
- Any remedial course as defined in statute unless offered in a corequisite format.

Eligibility requirements. The bill changes eligibility requirements for the Program by requiring a student to be a citizen of the United States and removing the requirement that the student be 21 years of age or older if they had not graduated from a secondary school within the 12 months prior to application.

The bill adds clarification to state that the three-year residency requirement must be proven by one of the following:

- Issuance date on a Kansas-issued identification card;
- Kansas voter registration records; or
- Kansas income tax documentation.

The bill makes students who had been in the custody of the Secretary for Children and Families at any time during grades 9 through 12, and not eligible for the Kansas Foster Child Educational Assistance Act, automatically eligible for promise scholarships.

The bill makes further clarifications to eligibility requirements, such as stating that the applicant’s Free Application for Federal Student Aid (FAFSA) must be determined to be free of error codes and that the maintenance of satisfactory academic progress must be in the promise-eligible program for which the scholarship was awarded.

Kansas Promise Scholarship agreements. The bill changes the time in which a student must complete the Program from 30 months to 36 months from initial award of the scholarship.

The bill clarifies that the two-year residency requirement upon completion of a promise-eligible program must be verified by the scholarship recipient providing a W-2 wage and tax statement to show proof of Kansas withholding or estimated income tax to the State of Kansas.

The bill amends the terms of repayment by stating that the interest rate will be determined based upon when the student's first course funded under the Program began, rather than when the student entered into an agreement with the Board.

The bill clarifies that interest will begin accruing on the date when the student is determined to be out of compliance with the student's scholarship agreement.

For the purposes of determining a student's satisfaction of the Act's requirements, collection or recoupment of funds, or determination of eligibility, the bill authorizes all eligible postsecondary educational institutions and state agencies to provide the Board with the following information:

- Last known contact information for each student who has entered into, but not completed, a scholarship agreement;
- Notification of a student receiving a Kansas Promise Scholarship;
- Completion of a promise-eligible program by a student;
- Exhaustion of Kansas Promise Scholarship benefits by a student; and
- Information on any student exceeding the 36-month program completion requirement.

The bill states that a Kansas Promise Scholarship agreement cannot be terminated solely on the basis of an amendment to the Act, adopted rules and regulations, change in list of approved programs, or appropriations made under the Act.

Kansas Promise Scholarship funding. The bill removes the 150.0 percent escalator for appropriations after FY 2023 and provides for no more than \$10.0 million annually through FY 2027.

Kansas Hero's Scholarship Act

The bill changes the name of the tuition waiver for educational benefits for dependents or spouses of certain first responders and military personal to the Kansas Hero's Scholarship Act. The bill adds definitions and increases the amount of reimbursement to Kansas educational institutions from \$350,000 to \$500,000 in any fiscal year for educational benefits.

Continuing law allows eligible students to enroll in a Kansas educational institution without charge of tuition and fees. Eligible students will include spouses and dependents of deceased, injured, or disabled public safety officers and employees and certain deceased, injured, or disabled military personnel and prisoners of war.

Definitions

The bill adds the following definitions:

- “Accident” means an undesigned, sudden and unexpected traumatic event, usually of an afflictive or unfortunate nature and often, but not necessarily, accompanied by a manifestation of force. An accident will be identifiable by the time and place of occurrence, produce at the time symptoms of an injury, and occur during a single work shift. The accident will be the prevailing factor in causing the injury.
- “Covered person” means a public safety officer or Kansas resident in military service to whom this section applies.
- “Fees” means those charges required by an institution to be paid by every student as a condition of enrollment. Fees do not include all other charges associated with the student’s academic program or living costs.
- “Injured or disabled” means the covered person, because of the injury or disability, has been incapable of performing the following duties:
 - The position being performed at the time the injury or disability was sustained; and
 - Any position that is at or above the pay level of the position the covered person was in at the time the injury or disability was sustained, if the covered person is a paid employee.
- “Injury and disability” means any lesion or change in the physical structure of the body causing damage or harm thereto that is not transitory or minor. Injury and disability may occur only by accident, intentional act of violence, or repetitive trauma.
- “Intentional act of violence” means one or a combination of the following:
 - A deliberate act by a third party that results in inflicting harm on a covered person while such person is performing those duties; or
 - A deliberate act by a covered person in the reasonable performance of duties as a covered person that results in the infliction of harm on the covered person.

An intentional act of violence is identifiable by the time and place of occurrence, produce at the time symptoms of an injury, and occur during a single work shift. The intentional act of violence will be the prevailing factor in causing the injury.

An intentional act of violence cannot include repetitive trauma in any form.

- “Nature of the employment” means that, to the occupation, trade, or employment in which the covered person was engaged, there is attached a particular and peculiar hazard of the injury or disability that distinguishes the performance of job duties from other occupations and employments and that creates a hazard of such injury or disability in excess of the hazard of the injury or disability in general.
- “Repetitive trauma” means the cause of an injury that occurs as a result of repetitive use, cumulative traumas, or microtraumas. The repetitive nature of the injury will be demonstrated by diagnostic or clinical tests. The repetitive trauma will be the prevailing factor in causing the injury.

Repetitive trauma includes only an injury arising out of the performing of duties and resulting from the nature of the employment in which a covered person was engaged and that was actually contracted while so engaged. The injury appears to have had its origin in a special risk of injury connected with the particular type of employment and to have resulted from the source as reasonable consequence of the risk. Ordinary injuries of life and conditions to which the general public is or could be exposed outside of the particular employment, and hazards of injuries and conditions attending employment in general, will not qualify as repetitive trauma.