

**SECOND CONFERENCE COMMITTEE REPORT BRIEF  
SENATE SUB. FOR SUB. FOR HOUSE BILL NO. 2567**

As Agreed to April 1, 2022

**Brief\***

Senate Sub. for Sub. for HB 2567 would make appropriations for the Kansas Department of Education (KSDE) for FY 2022, FY 2023, and FY 2024, make adjustments to the Kansas School Equity and Enhancement Act (KSEEA), and amend various provisions of law related to K-12 Education.

New Sections 1-4 and Sections 29, 31-33, 35, and 37 of the bill would be in effect upon publication in the *Kansas Register*; sections 5-6, 10, 30, 34, 36, and 38 would be in effect beginning July 1, 2023; and sections 7-9, 11-28, and 39 would be in effect beginning July 1, 2022.

The bill would:

- Make appropriations for the KSDE for FY 2022, FY 2023, and FY 2024 (Sections 1-4);
- Establish the Every Child Can Read Act (New Sections 5 and 6);
- Authorize 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);
- Establish a transfer system for nonresident students between unified school districts based upon the student capacity of each unified school district (Section 8, 9, 14, and 16-19);
- Amend the Kansas Promise Scholarship Act (Sections 10 and 29-38);
- Amend the Johnson County Research Triangle Authority Act (Section 11);
- Amend reporting requirements for the Kansas State High School Activities Association (KSHSAA) (Section 12);

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\*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kIRD>

- Require 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 13);
- Amend 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 15);
- Amend 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 20);
- Amend the Virtual School Act to require that a virtual school's graduation rate shall only include 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 20);
- Amend the virtual school finance system to provide funding on a per-course basis for a student who is 19 years of age and under and meets other certain requirements (Section 21);
- Amend the Tax Credit for Low Income Students Scholarship Program (Section 22);
- Amend the school and school district accountability reports law and require KSDE to prepare and submit to the Governor and the Legislature a summary report regarding student achievement (Section 25);
- Establish the Capital Improvement State Aid Fund and identify transfers as revenue transfers from the State General Fund (Section 27);
- Amend 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 (Section 27);
- Amend 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 28); and
- Establish educational benefits for dependents or spouses of certain first responders and military personnel (Section 39).

***Appropriations for FY 2022, FY 2023, and FY 2024 (New Sections 1-3)***

*FY 2022 (New Section 1)*

The bill would appropriate the following from the State General Fund (SGF) in FY 2022 for KSDE:

- \$178,986 for the Education Superhighway;
- \$102.8 million for State Foundation Aid; and

- \$10.3 million for Supplemental State Aid.

The bill would modify the SGF appropriation, in FY 2022, for KSDE. The bill would lapse 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);
- \$35.1 million for the KPERS-USDs; and
- \$58.6 million for State Foundation Aid in FY 2022.

*FY 2023 (New Sections 2 and 3)*

The bill would appropriate \$6.4 billion, including \$4.2 billion SGF, for FY 2023 for KSDE. This would include \$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 would include the following:

- \$14.2 million for operating expenditures;
- \$161.3 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;
- \$1.5 million for Career and Technical Education Transportation; and
- \$5.0 million for School Safety and Security Grants.

The bill would also appropriate funding from several no-limit special revenue funds, including federal funds, and fee funds. The bill would appropriate 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 would also provide for the following transfers:

- \$50,000 on July 1, 2022, or as soon as moneys are available, from the Family Children Trust Account of the Family 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 in the State Board of Regents to the Education Technology Coordinator Fund of KSDE.

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

The bill would also authorize 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 would appropriate \$41.4 million from the Expanded Lottery Act Revenues Fund for KPERS-non-USDs.

The bill would require school districts and attendance centers with 50.0 percent or more of the students enrolled in grades 7 through 12 scoring level one or level two on the statewide math assessment to implement a virtual math program. The bill would appropriate \$3.0 million from federal American Rescue Plan Act (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 would also require KSDE to establish a fee for service to be paid by districts for any remaining costs for the implementation of such statewide virtual program for FY 2023.

The bill would require KSDE to implement such fee for service to be paid by districts, not to exceed \$2.0 million, for FY 2024. The bill would require 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. The fee for the program would be based on the number of students within the district who have scored level one or level two on the statewide math assessment in the previous school year.

All districts implementing a virtual math program would be 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 would be 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.

#### *FY 2024 (New Section 4)*

The bill would appropriate from the SGF for FY 2024 \$2.6 billion for State Foundation Aid and \$568.2 million for Supplemental State Aid. The bill would also authorize expenditures from the State School District Finance Fund and the Mineral Production Education Fund.

#### ***Every Child Can Read Act (New Sections 5 and 6)***

##### *Purpose (New Section 5)*

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

### *Every Child Can Read Act (New Section 6)*

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

Each school district would be required to ensure that the competencies are achieved through literacy instruction in:

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

The bill would require 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 would be required to 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 would be required to 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 would be required to 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 would also require 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 would require KSDE to annually submit a summary of such reports to the Governor and Legislature.

### ***Alternative Educational Opportunities (New Section 7)***

The bill would authorize boards of education of school districts 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 would define the following terms:

- “Alternative educational opportunity” would mean the instruction that primarily occurs outside the classroom with a sponsoring entity; and
- “Sponsoring entity” would mean 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 would require 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 would authorize 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 would allow 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 would be 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 would be required to provide the sponsoring entity with the reasons for such denial. If the State Board approved such proposal, any school district would be permitted to implement the alternative education opportunity. The State Board would be permitted to 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 would also require 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 (New Sections 8-9, Section 14, and Sections 16-19)***

#### *Definitions*

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

#### *Transfer Policy*

The bill would require that each board of education (board) of a school district (district) adopt a policy to determine the capacity of the district to accept nonresident students in each grade level on or before January 1, 2023.

The policies would be required 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 would not be limited to, elements such as a nonresident student’s history of school absenteeism, suspensions, or expulsions.

Prior to adopting such policy, the board would be required to hold a hearing. The board would be required to 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 would require 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 would be required to present the board’s proposal for the policy at the hearing, and the board would be required to hear testimony regarding the proposed policy. After consideration of the testimony and evidence presented or submitted at such public hearing, the



board would determine whether to adopt the policy or revise the proposed policy at a subsequent public meeting of the board.

The bill would require policies adopted by the board pursuant to this bill to be published on the district's website.

### *Public School Eligibility*

The bill would amend the 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 would authorize, beginning in the 2023–2024 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 or not, if the nonresident district has open capacity.

### *Capacity*

The bill would require 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 would be required to 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 number of open seats available for nonresident students would be required 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 would allow 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, then all applicants would be required to be accepted for enrollment within the district. If the number of applications exceeds the capacity for a grade level within the district, then the district would randomly select nonresident students via a lottery process on or before July 15 of each year.

### *Student Denial*

The bill would require any districts denying the continued enrollment of a nonresident student or the acceptance of a new nonresident student to notify the student's parent or guardian of the reason for denial. Reasons for such denial could include, but would not be limited to, elements such as a nonresident student's history of school absenteeism, suspensions, or expulsions.

[*Note:* Students would only be denied acceptance to a nonresident district if there is no capacity or they were not selected during the lottery process.]

### *Nonresident Enrollment Priority and Exceptions*

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

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

Any student whose parent or guardian is a member of the U.S. armed forces on active duty would be allowed to attend the district of the student's choice regardless of capacity. To be eligible, a student's parent would be required to have been issued a U.S. Department of Defense identification card and could provide evidence they will be on active duty for more than 30 consecutive days.

### *Prohibitions*

The bill would prohibit districts from charging tuition or fees to nonresident students except for fees otherwise charged to every student enrolled and attending in the district. Districts would also be 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 would state 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 would reaffirm that students may enroll at any time in the district in which the student resides.

### *Transportation*

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

### *Kansas State High School Athletics Association*

The bill would state that nonresident students who transfer would be subject to policies and requirements of the Kansas State High School Athletics Association.

### *Reporting*

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

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

In calendar year 2026, the bill would require the Legislative Post Audit Committee to direct LPA to conduct an audit of nonresident student transfers. The audit would be required to be presented to the Legislative Post Audit Committee on or before January 15, 2027, and then presented to the House Committee on K-12 Education Budget and the Senate Committee on Education.

The bill would also clarify open enrollment would not apply to school districts on military bases. [*Note:* This provision would currently only apply to USD 207, Fort Leavenworth.]

The bill would also make corresponding changes to other sections of law.

### ***Johnson County Research Triangle (Section 11)***

The bill would broaden the allowed purposes of the use of funds remitted to the Johnson County Research Triangle to be used for research and education programs in animal health and food safety and security and other bachelor's, master's, or doctoral programs at the Johnson county location of Kansas State University.

### ***Kansas State High School Activities Association Reporting (Section 12)***

The bill would make Kansas State High School Activities Association board members, officers, and employees mandatory reporters of child abuse or neglect.

### ***Using Needs Assessment in Budget Process (Section 13)***

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

The bill would require a board to utilize the district's building needs assessment during approval of the school district budget. Boards would be required 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 would require a 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 district would also be required to ensure all building needs assessment and state assessment documentation are available on the district's website.

### ***Part-time Enrollment (Section 15)***

The bill would amend 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 would also make 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 would also require 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 would be required to 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 would require 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 (Section 20)***

#### *Virtual School Graduation Rates*

The bill would amend the Virtual School Act to require that a virtual school's graduation rate shall only include 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 would require that this graduation rate calculation be done only at the state level for accreditation purposes.

#### *Virtual School Financial Incentives*

The bill would amend the Virtual School Act to disallow any virtual school from offering or providing any financial incentive for a student to enroll in a virtual school. A financial incentive would be 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 (Section 21)***

#### *Virtual Diploma Completion*

The bill would amend the virtual school finance system to provide funding on a per-course basis for a student who is 19 years of age and under 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 virtual student, 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 would authorize virtual schools to receive \$709 per passed course with a maximum for six courses per year, per eligible student.

### ***Tax Credit for Low Income Students Scholarship Program (Section 22)***

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

### ***Federal Impact Aid and Capital Improvement State Aid (Section 23 and 24)***

The bill would amend 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 would extend the statutory cap on the aggregate amount of school district general obligation bonds approved by the State Board of Education 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 would be exempt from the general obligation bond cap.

For all general obligation bonds approved at elections held on or after July 1, 2022, the bill would remove 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 would begin at 51.0 percent.

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

The bill would make various technical amendments.

## ***Student Achievement Summary Report (Section 25)***

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

- A statewide summary of the performance accountability reports and longitudinal achievement reports that are prepared by KSDE, which includes:
  - 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 would be required to begin with all students entering the third grade and the students entering eighth grade in school year 2022-2023 and would summarize the longitudinal achievement of such students over a three-year period. KSDE would be required to repeat such report every three years for such grade levels. Each longitudinal report would be required to 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.

## ***Promise Scholarship (New Section 10 and Sections 29-38)***

### *Definitions (Section 29)*

The bill would amend the definition of “eligible postsecondary institution” by adding the requirement that any community college or technical college must have a recognized service area in order to qualify.

The bill would amend 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 would amend 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 would also require promise-eligible programs to be within a field of study designated in the bill.

[*Note:* These requirements would be in addition to all other requirements currently within the program definitions.]

### *State Board of Regents (Sections 31, 33, and 37)*

**Responsibilities (sections 31 and 37).** The bill would change 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 would also clarify elements of the Board’s responsibilities outlined in statute. The Board would no longer be responsible for setting the deadline for scholarship applications but instead be responsible for accepting and processing scholarships throughout the year.

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

The bill would add 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 would clarify that the Kansas Promise Scholarship agreements are made between the Board and the student.



**Annual report (section 31).** The bill would clarify 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 (section 31).** The bill would allow 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 would apply the designation of associate degree transfer programs retroactively to the enactment of the Program on July 1, 2021.

**Scholarship funds (sections 33 and 37).** The bill would require 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 would state 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 would be required to disburse funds to eligible postsecondary institutions on September 15, December 15, March 15, and June 15 of each year.

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

#### *Postsecondary Institutions (Sections 31, 32, and 37)*

**Requirements (sections 31 and 37).** The bill would prohibit 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 would be required to counsel eligible students regarding the requirements and conditions of the promise scholarship agreements.

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

**Additional field of study (section 32).** The bill would amend 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 would be required to 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.

[*Note:* Current law allows for the designation of a single additional program rather than all eligible programs within a field of study.]

The bill would require 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 (section 37).** The bill would clarify that eligible postsecondary educational institutions would not be considered contractors of the State and could not be 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 (section 33).** The bill would require that scholarships be awarded on an academic year basis rather than on a semester basis.

The bill would also establish 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 would remove language allowing for excess funds to be awarded to eligible students whose family household income exceeds the limits in the Act.

The bill would cap the expenditures for eligible students to either 68 credit hours or \$20,000, whichever occurs first, over the lifetime of the student. Students would also be 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 (section 37).** The bill would change 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 would also add 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 would make 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 would make 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.

The bill would also make certain out-of-state students eligible to apply for Kansas Promise Scholarships beginning in school year 2023-2024. To be eligible, out of students would be required to:

- Be residents of Missouri, Nebraska, Oklahoma, or Colorado; and
- Establish Kansas residency within one semester of entering into a Kansas Promise Scholarship agreement.

The bill would allow out-of-state students to receive a scholarship up to the in-state tuition amount. The remaining costs related to out-of-state tuition would be paid by the student. The bill would also clarify that no more than 10.0 percent of any amount appropriated for the Program in each fiscal year may be used for out-of-state students. Any remaining appropriation from such 10.0 percent after scholarships have been awarded to out-of-state students could be expended for in-state students. Out-of-state students would be subject to all other provisions of the Act. [Note: A student would be considered out-of-state for funding purposes based upon their residency status upon entry into the Program.]

**Kansas Promise Scholarship agreements (section 37).** The bill would change the time in which a student must complete the Program from 30 months to 36 months from initial award of the scholarship.

The bill would also clarify 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 would amend the terms of repayment by stating that the interest rate would 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 as in current law.

The bill would clarify that interest would begin accruing on the date when the student is determined to be out of compliance with their 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 would authorize 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.

**Kansas Promise Scholarship funding (section 33).** The bill would remove the 150 percent escalator for appropriations after FY 2023 and provide for no more than \$10.0 million annually through FY 2027.

### ***Kansas Hero Scholarship (Section 39)***

The bill would establish the Kansas Hero Scholarship for educational benefits for dependents or spouses of certain first responders and military personnel. The bill would add definitions and increase the amount of reimbursement to Kansas educational institutions from \$350,000 to \$500,000 in any fiscal year for educational benefits.

Current law allows eligible students to enroll in a Kansas educational institution without charge of tuition and fees. Eligible students would 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 would add the following terms:

- **Accident**—Defined as 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 would 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 would be the prevailing factor in causing the injury.
- **Covered person**—Defined as a public safety officer or Kansas resident in military service to whom this section applies.
- **Fees**—Defined as those charges required by an institution to be paid by every student as a condition of enrollment. Fees would not include all other charges associated with the student’s academic program or living costs.
- **Injured or disabled**—Defined as meaning 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**—Defined as 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 would occur only by accident, intentional act of violence, or repetitive trauma.

- Intentional act of violence—Defined as 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 would 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 intentional act of violence would be the prevailing factor in causing the injury.
- An intentional act of violence would not include repetitive trauma in any form.
- Nature of the employment—Defined to mean 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—Defined as the cause of an injury that occurs as a result of repetitive use, cumulative traumas or microtraumas. The repetitive nature of the injury would be demonstrated by diagnostic or clinical tests. The repetitive trauma would be the prevailing factor in causing the injury.

Repetitive trauma would include 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 would appear 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, would not qualify as repetitive trauma.

### **Conference Committee Action**

The second Conference Committee agreed to the contents of Sub. for HB 2567 regarding altering the calculation of local foundation aid within the Kansas School Equity and Enhancement Act (KSEEA) by removing federal impact aid from the formula. It would have also excluded the Fort Leavenworth school district and virtual school students from the capital improvement state aid determination. The second Conference Committee agreed to amend the bill to make technical changes related to capital improvement state aid.

The second Conference Committee agreed to retain the contents of Sub. for HB 2567, as amended, with the appropriations for KSDE for FY 2022, FY 2023, and FY 2024 and the contents and provisions from the following bills:

- Sub. for Sub. for HB 2512 relating to appropriations for KSDE and the Every Child Can Read Act; the second Conference Committee further agreed to:
  - Include \$1.5 million SGF for Career and Technical Education Transportation for FY 2023;
  - Delete \$199.6 million SGF to eliminate delayed school payments in FY 2022 and move this amount to FY 2023 for the same purpose; and
  - Remove the provisions relating to nonresident student enrollment within a school district;
- SB 455 related to open enrollment; the second Conference Committee further agreed to modify the provisions to limit student transfers to once per school year and to require a public hearing regarding a district's open enrollment policy;
- Contents related to HB 2747, as introduced, regarding the Johnson County Research Triangle Authority Act;
- Contents related to surveys, including questionnaires, examinations, and suicide risk assessment and screening tools, in schools. The second Conference Committee further agreed to amend such language to clarify the bill would only apply to non-academic tests, questionnaires, surveys, or examinations that were administered during the school day; [*Note*: Inserted language is similar to language found in Sub. for HB 2662.]
- SB 340, as amended by the Senate Committee on Ways and Means, related to the Promise Act Scholarship Act. The second Conference Committee further agreed to remove references to the sunset date for the Promise Scholarship Act, amend the appropriation cap for the Act, and to allow for out-of-state students to participate in the program; and
- HB 2716, as amended, related to the educational benefits for spouses and dependents of deceased, injured or disabled public safety officers and military personal by renaming the program the Kansas Heroes Scholarship and increasing the limitation on reimbursement for Kansas educational institutions.

## **Background**

Senate Sub. for Sub. for HB 2567, as agreed to by the second Conference Committee action, pertains to school finance and education topics.

[*Note*: The background information for bills contained in this agreement are below; amendments that were retained are noted.]

### ***Sub. for HB 2567***

The Senate Committee on Ways and Means removed the contents of HB 2567, as amended by the House Committee of the Whole, and replaced it with the contents of SB 341, as amended by the Senate Committee on Ways and Means, pertaining to federal impact aid and state capital improvement aid.

HB 2567, as amended by the House Committee of the Whole, would have altered certain fees related to the registration, title, and administrative costs on vehicles for services performed by county treasurers and the Division of Vehicles and altered the disposition of such fees.

The bill was introduced the House Committee on Corrections and Juvenile Justice at the request of the Office of the Attorney General.

### ***SB 341 (Federal Impact Aid and Capital Improvement State Aid)***

The bill was introduced by the Senate Committee on Education at the request of Senator Longbine.

### ***Senate Education***

In the Senate Committee hearing on February 1, 2022, **proponent** testimony was provided by Senator Pittman and representatives of the Governor's Military Council; USD 207, Fort Leavenworth; USD 337, Royal Valley; and USD 475, Geary County. The proponents generally discussed the additional needs of districts that serve large military or Native American populations and the purpose of federal impact aid to help address those needs. Proponents also stated that the inclusion of federal impact aid within the local foundation aid calculation was viewed in a negative light by the United States Department of Defense and could impact future decisions regarding military investment in Kansas.

No other testimony was offered.

The Senate Committee amended the bill to exclude USD 207, Fort Leavenworth, from the capital improvement state aid determination, removal virtual school students from a school districts AVPP calculation, and extend the cap for State Board of Education approval of new school district general obligation bonds.

[*Note:* The provisions amended into the bill are similar to provisions in 2021 SB 31].

### **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Kansas State Department of Education states that enactment of the bill would reduce local foundation aid by \$13 million and would require an additional \$13 million in SGF be appropriated in FY 2023 per the current school finance formula.

Any fiscal effect associate with the bill are not reflected in *The FY 2023 Governor's Budget Report*.



***Sub. for Sub. for HB 2512 (KSDE Appropriations)***

The bill was introduced by the House Committee on K-12 Education Budget at the request of Representative Hoffman. The House Committee recommended a substitute bill be passed to incorporate the contents of HB 2602, as introduced, and HB 2649, as introduced.

The bill was withdrawn from the House Calendar on February 23, 2022, and rereferred to the House Committee on Appropriations. The bill was withdrawn from the House Committee on Appropriations and rereferred to the House Committee on K-12 Education Budget on March 7, 2022.

*House Committee on K-12 Education Budget*

Upon rereferral, the House Committee on K-12 Education Budget amended the bill on March 15, 2022, to include provisions pertaining to the KSDE budget. The House Committee further amended the bill to:

- Delete \$253.9 million SGF for the KPERS Layering Payment Payoff in FY 2022, as the transfer is included in the provisions of SB 421 [The Conference Committee retained this provision.];
- Add \$5.0 million SGF for School Safety and Security Grants for FY 2023 [The Conference Committee retained this provision.];
- Delete \$1.5 million SGF to not adopt the agency's enhancement request for CTE Transportation for FY 2023 [The Conference Committee did not retain this position.];
- Add language to require the KSDE to establish a fee for service to fund the Dyslexia Coordinator position (\$100,000) for FY 2023 and delete \$100,000 SGF for this purpose for FY 2023 [The Conference Committee retained this provision.];
- Delete \$100,000 SGF for Communities in Schools for FY 2023 and require KSDE to fund \$100,000 for Communities in Schools from existing resources for FY 2023 [The Conference Committee retained this provision.];
- Add language to require KSDE to establish a fee for service to be paid by districts, not to exceed \$4.0 million, to require school districts with 50.0 percent or more of the student population of grades 7 through 12 in the bottom half of state assessments in math (tier one and tier two) to implement the Math Nation program [The Conference Committee amended this provision.];
- Add language to allow KSDE to distribute excess funds in the Local School District Contributions Checkoff Fund to school districts for FY 2023 [The Conference Committee retained this provision.];
- Add language to allow the Director of the Budget to transfer funds between the agency's SGF accounts for FY 2023 [The Conference Committee retained this provision.];

- Add language to allow KSDE to distribute state aid from the State Safety Fund whenever funds are available instead of by November 1 for FY 2023 [The Conference Committee retained this provision.];
- Add language to continue Capital Improvement State Aid as a revenue transfer from the SGF for FY 2023 [The Conference Committee retained this provision.];
- Insert sections 1, 2, and 12 of HB 2690, to establish the Every Child Can Read Act and amend the school and school districts accountability reports statute [The Conference Committee retained this provision.];
- Insert section 18 of Sub. for HB 2615, to authorize boards of education of school districts to adopt policies to allow students enrolled in grades 6 through 12 to earn course credits through alternative educational opportunities with sponsoring entities [The Conference Committee retained this provision.];
- Insert sections 2 and 3 of HB 2511, as amended, to amend Kansas State High School Activities Association (KSHSAA) reporting requirements and amend the compulsory attendance statute [The Conference Committee retained this provision.];
- Insert section 1 of SB 362, as amended, to require 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 Conference Committee retained this provision.];
- Amend the Tax Credit Scholarship for Low Income Students Program to include children seven years of age and under as eligible students [The Conference Committee retained this provision.];
- Insert sections 1 and 2 of Sub. for HB 2512 to amend the Virtual School Act to disallow any virtual school from offering or providing any financial incentive for a student to enroll in a virtual school and amend the virtual school finance system to provide funding on a per-course basis for a student who is 19 years of age and under [The Conference Committee retained this provision.]; and
- Insert section 99 of HB 2588, to establish the Capital Improvements State Aid fund and identify transfers as revenue transfers from the SGF [The Conference Committee retained this provision.].

The House Committee recommended the amended contents be incorporated into a substitute for the substitute bill.

#### *House Committee of the Whole*

The House Committee of the Whole amended the bill to:

- Change references to the “Math Nation” program to “a virtual math” program;
- Clarify that the fee for a virtual math program would be based on the number of students within the district who scored level one or level two on the statewide math assessment in the previous school year rather than all students in the district; and

- Change the effective date of the Every Child Can Read Act (New Section 4 and New Section 5) from July 1, 2022, to July 1, 2023.

[*Note:* Amendments by the House Committee of the Whole were retained in Senate Sub. for Sub. for HB 2567.]

Sub. for Sub. for HB 2512 contains the contents of several bills. The background of each of those bills follows.

### ***HB 2512 (Virtual Diploma Completion)***

The bill was introduced the House Committee on K-12 Education Budget at the request of Representative Hoffman.

#### *House Committee on K-12 Education Budget*

In the House Committee hearing on the bill, as introduced, **proponent** testimony was provided by a representative from Graduation Alliance, who stated the bill would provide school districts with an additional resource to locate, enroll, and support students that have dropped out of school.

No other testimony was provided.

The House Committee amended the bill to:

- Define “dropout diploma completion virtual student” to include students 19 years of age and under that have not attended school in the current or previous school year and are not reasonably anticipated to return, and have not been counted as full-time or part-time virtual school students at the time the students enroll as dropout completion virtual students;
- Include the contents of HB 2602, as introduced; and
- Include the contents of HB 2649, as introduced.

The House Committee recommended a substitute bill be passed.

[*Note:* Amendments related to HB 2512 were retained in Senate Sub. for Sub. for HB 2567.]

#### *Fiscal Information*

According to the fiscal note prepared by the Division of the Budget on HB 2512, as introduced, enactment of the bill would increase virtual state aid by approximately \$426 per credit earned by a student under the age of 19 with a ratio of completed courses equal to 75.0 percent. KSDE estimates that if 1.0 percent of the state’s current 33,200 high school students would qualify for this additional state aid, and would earn six credits, additional state aid that school districts would be entitled to would total \$848,592 (33,200 X .01 X \$426 = \$848,592).

However, the actual number of students that would qualify is unknown. Any fiscal effect associated with this bill is not reflected in *The FY 2023 Governor's Budget Report*.

### ***HB 2602 (Virtual School Graduation Rates)***

HB 2602 was introduced by the House Committee on K-12 Education Budget at the request of Representative Thomas.

#### *House Committee on K-12 Education Budget*

In the House Committee hearing on the bill, as introduced, on February 14, 2022, **proponent** testimony was provided by Representative Thomas and Insight School of Kansas. The proponents generally stated the bill would more accurately portray virtual school graduation rates and would have a positive impact on graduation rates at traditional brick and mortar schools.

Written-only opponent testimony was provided by the State Board of Education (State Board), which stated the bill would present challenges in addressing graduation rates in virtual and physical schools.

No other testimony was provided.

#### *Fiscal Information*

According to the fiscal note prepared by the Division of the Budget on HB 2602, as introduced, the bill would have no fiscal impact on state aid to school districts or KSDE.

### ***HB 2649 (Virtual School Financial Incentives)***

HB 2649 was introduced by the House Committee on K-12 Education Budget.

#### *House Committee on K-12 Education Budget*

In the House Committee hearing on the bill, as introduced, on February 14, 2022, **proponent** testimony was provided by Representative Estes, who stated the bill would be a proactive measure to prevent the misuse of tax dollars.

No other testimony was provided.

#### *Fiscal Information*

According to the fiscal note prepared by the Division of the Budget on HB 2649, as introduced, the bill would have no fiscal impact on state aid to school districts or administrative costs to KSDE.

## ***HB 2690 (Every Child Can Read Act and School District Accountability Reports)***

HB 2690 was introduced by the House Committee on Appropriations at the request of Representative Williams. The bill was referred to the House Committee on K-12 Education Budget on February 10, 2022.

### *House Committee on K-12 Education Budget*

In the House Committee hearing on the bill, as introduced, written-only **proponent** testimony was provided by a representative from the Kansas Policy Institute, who generally stated they supported the concept of a bonus pay system for Kansas teachers.

**Opponent** testimony was provided by a representative from the Kansas Association of School Boards who noted the bill appeared to replace existing high-density at-risk weighting with a more narrow purpose of teacher bonuses. Written-only opponent testimony was provided by representatives from Game on for Kansas Schools, Kansas National Education Association, Kansas Parents as Teachers, and the State Board.

No other testimony was provided.

### *Fiscal Information*

According to the fiscal note prepared by the Division of the Budget (Division) on HB 2690, as introduced, KSDE would need additional staff to manage the required data and reporting that is required, which would begin during FY 2023. The agency would require an additional 5.0 FTE positions at a cost of \$455,000, all from the State General Fund. Of the total cost, the agency's Information Technology Team would need an additional 4.0 FTE Programmer positions at a cost of \$355,000, including fringe benefit costs. Also, included in the estimate is 1.0 FTE Research Analyst position at a cost of \$100,000, including fringe benefits, in the agency's Career Standards and Assessment Team. Any demand transfers to fund the Program would not occur until FY 2025.

KSDE did not estimate the cost of the Program at that time; however, the Division of the Budget notes that according to the latest data in the legal maximum school district general fund spreadsheet for the 2021-2022 school year, the current value of the statewide high-density at-risk weighting in the current school finance formula is \$47.9 million (10,187.7 FTE students X \$4,706 = \$47,943,316). This provides an estimate of the maximum amount that would be available for the program, if it were in effect during FY 2022. The Division also notes that instead of the state aid for high-density at-risk weighting ending in FY 2024, these funds would be used for the program and the state would not realize a state aid expenditure reduction for the sunset of the weighting. Any fiscal effect associated with HB 2690 is not reflected in *The FY 2023 Governor's Budget Report*.

### ***Sub. for HB 2615 (Alternative Educational Opportunities)***

Sub. for HB 2615, as recommended by the House Committee on K-12 Education Budget, incorporates the contents of HB 2553, as amended. The bill was introduced by the House Committee on K-12 Education Budget.

## *House Committee on K-12 Education Budget*

In the House Committee hearing on the bill, as introduced, **proponent** testimony was provided by Representative Thomas and representatives of Americans for Prosperity and yes.every.kid. Proponents generally stated the bill would give students the opportunity to learn outside of the classroom and prepare them for the workforce.

Neutral testimony was provided by a representative from the Kansas Association of School Boards. Neutral written-only testimony was provided by a representative from the State Board. Neutral testimony generally stated that while the education opportunities may be beneficial for students, the requirement to submit plans to the State Board would put an undue burden on the State Board and stated it would be impractical for the State Board and the KSDE to provide effective evaluation of such programs.

No other testimony was provided.

The House Committee amended the bill to:

- Allow a sponsoring entity of an educational opportunity to petition the State Board to approve an alternative educational opportunity that is provided through such sponsoring entity if the educational opportunity is generally applicable on a statewide or regional basis. The State Board would be required to review such proposal within 90 days and if approved, any school district would be permitted to implement such alternative education opportunity. If denied, the State Board would be required to provide cause of the denial;
- Remove language requiring accountability measures for alternative education opportunities and sponsoring entities;
- Remove language requiring alternative educational opportunities to improve the academic success of students; and
- Include the contents of HB 2553, as amended, and HB 2550, as amended. [*Note:* These provisions were not retained in Sub. for Sub. for HB 2512.]

The House Committee recommended a substitute bill be passed.

[*Note:* The House Committee inserted section 18 of Sub. for HB 2615 related to alternative educational opportunities in Sub. for Sub. for HB 2512. These amendments were retained in Senate Sub. for Sub. for HB 2567.]

## *Fiscal Information*

According to the fiscal note prepared by the Division of the Budget on HB 2615, as introduced, KSDE indicates enactment of the bill would have no fiscal effect on state aid to school districts or any administrative cost to the agency. Any fiscal effect on school districts that would choose to provide alternative educational opportunities for course credit would be borne by the school district.

### ***HB 2511 (KSHSAA Reporting and Part-time Enrollment)***

HB 2511 was introduced by the House Committee on K-12 Education Budget at the request of Representative Tarwater.

HB 2511, as amended by the House Committee on K-12 Education Budget, contains the contents of HB 2511, as introduced, and incorporates the contents of HB 2514, as introduced. The background information for the referenced bills follows.

#### *House Committee on K-12 Education Budget*

In the House Committee hearing on the bill, **opponent** testimony was provided by representatives from the KSHSAA and the Kansas Association of School Boards, who generally referenced that students not attending a public school do not have a standing in, or connection to, public schools. Written-only opponent testimony was provided by representatives of the State Board; Douglass High School Athletics Department; USD 265; Holton High School; and Sterling Junior and Senior High School; and by private citizens. These representatives generally stated public school activities should be reserved for public school students, and public school activities are incentives for students attending public schools.

No neutral or **proponent** testimony was provided.

The House Committee amended the bill to include the contents of HB 2514, as introduced.

#### *Fiscal Information*

According to the fiscal note prepared by the Division of the Budget on HB 2511, as introduced, KSDE states enactment of the bill would have no fiscal effect on state aid to school districts. Any fiscal effect would be borne by school districts that would be affected by the bill.

HB 2511 was amended to include the contents of HB 2514 regarding compulsory school attendance.

### ***HB 2514 (Compulsory School Attendance)***

HB 2514 was introduced by the House Committee on K-12 Education Budget at the request of Representative Estes.

#### *House Committee on K-12 Education Budget*

In the House Committee on K-12 Education Budget hearing on the bill, **proponent** testimony was provided by a representative of ExcelinEd in Action. Written-only proponent testimony was provided by representatives from the organization yes. every. kid. and Americans for Prosperity. Proponents generally stated the bill would be positive for public schools, would empower families to engage with public schools on their own terms, and would allow children to have their individual educational needs met.

Written-only opponent testimony was provided by a representative from the Kansas National Education Association, who stated the bill was vague and created an unfunded burden on local school districts.

No neutral testimony was provided.

### *Fiscal Information*

According to the fiscal note prepared by the Division of the Budget on HB 2514, as introduced, KSDE indicates the fiscal effect for the enactment of HB 2514 cannot be estimated. KSDE notes that those full-time public-school students who would opt to become part-time private school students would result in an eventual lower state aid to school districts, as it would lower the FTE student count in the school finance formula. Conversely, those private school students who would opt to become part-time public-school students would increase the FTE student count in the school finance formula and would increase state aid to school districts. However, KSDE cannot estimate the net effect on FTE student count from the enactment of HB 2514. Any fiscal effect associated with HB 2514 is not reflected in *The FY 2023 Governor's Budget Report*.

### **SB 455 (Open Enrollment)**

The bill was introduced by the Senate Committee on Education at the request of Senator Erickson.

### **Senate Committee on Education**

In the Senate Committee hearing, **proponent** testimony was provided by representatives of Americans for Prosperity–Kansas, Excel in Ed in Action, and the Kansas Policy Institute. Proponents generally stated the bill would benefit students by allowing them to select the school best for their educational needs. Written-only proponent testimony was provided by a representative of yes. every kid. and a private citizen.

**Opponent** testimony was provided by representatives of the Kansas Association of School Boards, Kansas School Superintendents Association, and USA–Kansas. The opponents generally stated these types of transfers already occur and work well without the bill. The opponents also stated this is an issue that should be left to local control. Written-only opponent testimony was provided by representatives of the Kansas National Education Association, State Board of Education, USD 229 Blue Valley Schools, and USD 233 Olathe Public Schools.

The Senate Committee amended the bill with the following changes:

- Require adoption of transfer policies by every school district and that such policies be published on the district website [The Conference Committee retained this provision.];
- Have the transfer process begin during the 2023–2024 school year rather than the 2022–2023 school year [The Conference Committee retained this provision.];



- Define the determination of capacity to be based upon student teacher ratios [The Conference Committee retained this provision.];
- Establish dates by which specific elements of the transfer process must be completed by [The Conference Committee retained this provision.];
- Establish a lottery process to determine acceptance of nonresident students if the number of applications exceed a district's capacity [The Conference Committee retained this provision.];
- Clarify sibling priority for nonresident transfers [The Conference Committee retained this provision.];
- Change the length of transfer from one year transfers to the graduation of the student from high school [The Conference Committee retained this provision.];
- Limit transfers to two times per school year [The Conference Committee did not retain this provision.];
- Clarify that districts are not required to provide transportation for nonresident students [The Conference Committee retained this provision.]; and
- Amend reporting and audit requirements. [The Conference Committee retained this provision.]

*Fiscal Information*

No fiscal note was available at the time of committee action on the bill.

***SB 362 (Using Needs Assessment in the Budget Process)***

The bill was introduced by the Senate Committee on Education at the request of the Kansas Policy Institute.

*Senate Committee on Education*

In the Senate Committee hearing, **proponent** testimony was provided by representatives of Educational Management Consultants and the Kansas Policy Institute. The proponents generally stated the bill was necessary due to few districts conducting needs assessments and the need to focus on individual buildings to guide district spending.

Neutral testimony was provided by representatives of the Kansas Association of School Boards, Kansas School Superintendent Association, and United School Administrators of Kansas. The conferees generally stated their concerns were for the added burden the bill could place upon district staff and current vagueness within how building needs assessment should be accomplished.

No other testimony was provided.

The Senate Committee amended the bill to change school board “preparation” of the budget to “approval,” change references to “each student” to “all students” with regard to academic expectations, replace achievement of grade level proficiency to achieving above level 2 on state assessments, and require budget information and assessment documentation to be published on the school district’s website.

#### *Fiscal Information*

According to the fiscal note prepared by the Division of the Budget on SB 362 as introduced, KSDE states any cost associated with enactment of the bill would be negligible and impact only local school districts.

#### **Sub. for HB 2662 (Surveys)**

Sub. for HB 2662, as recommended by the House Committee on K-12 Education Budget, incorporates the contents of HB 2662, as introduced, and HB 2513, as introduced.

#### **HB 2662 (Parent’s Bill of Rights)**

The bill was introduced by the House Committee on K-12 Education Budget at the request of Representative Williams.

#### *House Committee on K-12 Education Budget*

In the House Committee hearing on the bill, **proponent** testimony was provided by a representative from the Goldwater Institute, Kansas Family Voice, and Kansas Policy Institute. Written-only proponent testimony was provided by representatives from Americans for Prosperity Kansas, Opportunity Solutions Project, and Wisconsin Policy for Law & Liberty. Proponents generally stated the bill would increase transparency for parents, would make learning materials more easily accessible to parents, and would more clearly differentiate the roles of parents and teachers.

Written-only neutral testimony was provided by a representative of the Kansas State Parent Teacher Association. The neutral testimony generally stated the bill would increase parental engagement, but stated the bill lacked clarity.

**Opponent** testimony was provided by representatives from ACLU of Kansas, Equality Kansas, Game on for Kansas Schools, Immunize Kansas Coalition, Kansas Action for Children, Kansas Interfaith Action, Kansas National Education Association, Kansas State Nurses Association, USD 313 (Buhler), and two private citizens. Opponents generally stated the bill would limit student access to different perspectives, lead to teachers leaving the profession, and put undue work burdens on teachers.

Written-only opponent testimony was provided by the Immunize Kansas Coalition, Kansas Educators Support Foundation, Kansas People of Color Action Coalition, Kansas Association of School Boards, Kansas City Kansas Public Schools, League of Women Voters of Kansas, Mainstream Coalition, Mid America Immunization Coalition, State Board of Education, USD 204 (Bonner Springs), USD 215 (Lakin), USD 355 (Ellinwood), USD 382 (Pratt), USD 400 (Smoky

Valley), USD 466 (Scott City), and private citizens. These representatives generally stated the bill would put an undue burden on teachers and would limit the educational opportunities of students.

The House Committee amended the bill to:

- Make technical amendments for clarity throughout the bill;
- Require school districts to post materials they reasonably expect to use in the upcoming school year before the school year begins;
- Remove provisions that would require school districts to review all library materials purchased or obtained by the school district in the last five years to determine if parental review is recommended for each material;
- Remove provisions related to the promotion of harmful materials to minors, including a provision that would remove the affirmative defense to the crime for public and private K-12 schools;
- Create separate sections regarding academic learning materials and social emotional learning materials;
- Amend the definition of “activities” and “learning materials”; and
- Incorporate the contents of HB 2513.

The House Committee recommended a substitute bill be passed.

The bill was withdrawn from the House calendar on February 23, 2022, and referred to the House Committee on Appropriations. The bill was withdrawn from the House Committee on Appropriations on March 7, 2022, and re-referred to the House Committee on K-12 Education Budget. The House Committee amended the substitute bill on March 15, 2023, to:

- Include requirements for school districts to post policies and procedures related to suicide awareness and prevention programming, training, and crisis plans required pursuant to the Jason Flatt Act on the parent transparency portal;
- Amend requirements for library materials purchased on and after July 1, 2023, to be reviewed;
- Apply the requirements of the bill to teachers, administrators, social workers, psychologists, and nurses; and
- Allow school personnel to administer a suicide risk assessment or screening tool if such personnel becomes aware of a credible report of a suicide risk from the student, student’s peers, or school staff. The school personnel would be required to make an attempt to notify the parent verbally and obtain written consent prior to the administration of the assessment or screening tool; however, if consent could not be obtained within a reasonable time, the risk assessment or screening tool could be administered and the school personnel would be required to notify the parent or guardian of the administration of such assessment or screening tool and, as soon as

contact with the parent or guardian is made, provide the parent or guardian all information obtained from the risk assessment or screening tool administered to the student.

### *Fiscal Information*

According to the fiscal note prepared by the Division of the Budget on HB 2662, as introduced, the Kansas Department of Education (KSDE) indicates enactment of the bill would have no fiscal effect on state aid to school districts. The bill would have negligible administrative costs for the agency. However, the bill would have significant administrative costs for school districts, likely costing millions of dollars to develop the parent transparency portals and to review each book, magazine, or other material offered in a school library; however, the costs for each individual school district would vary and cannot be estimated.

The KSDE indicates the bill has the potential for increasing litigation in the courts because of the new violation created by the bill. If it does, there would be a fiscal effect on the operations of the court system. However, it is not possible to estimate the number of additional court cases that would arise or how complex and time-consuming they would be. As a result, a fiscal effect cannot be determined. In any case, the fiscal effect would most likely be accommodated within the existing schedule of court cases and would not require additional resources.

Any fiscal effect associated with enactment of HB 2662 is not reflected in *The FY 2023 Governor's Budget Report*.

[Note: Provisions related to the Parent's Bill of Rights were not retained in Senate Sub. for Sub. for HB 2567.]

### **HB 2513 (Surveys)**

The bill was introduced by the House Committee on K-12 Education Budget at the request of Representative Hoffman.

### *House Committee on K-12 Education Budget*

In the House Committee hearing on the bill, **proponent** testimony was provided by representatives from Culture Shield Network and Educational Management Consultants, as well as three private citizens. Written-only proponent testimony was provided by private citizens. Proponents generally stated the bill would increase transparency for parents and remove potentially sensitive questions in surveys.

Neutral written-only testimony was provided by a representative of Greenbush Education Service Center. The testimony stated the organization supports transparency and parental consent in the administration of surveys; however, the testimony stated, these practices and protocols are already in place.

No other testimony was provided.

### *Fiscal Information*

According to the fiscal note prepared by the Division of the Budget on HB 2513, as introduced, the KSDE states the enactment of HB 2513 would have no fiscal effect on state aid

to school districts; however, the agency notes that there would be additional administrative costs for local school districts, but these additional costs cannot be estimated.

### ***HB 2716 (Kansas Hero Scholarship)***

The bill was introduced by the House Committee on Appropriations at the request of Representative Waymaster.

#### *House Committee on Appropriations*

In the House Committee hearing on March 7, 2022, **proponent** testimony was provided by representatives of the Board of Regents, Fraternal Order of Police, and United WE and a representative of the Kansas Association of Chiefs of Police, Kansas Sheriffs Association, and Kansas Peace Officers Association. Proponents generally spoke to the additional definitions adding clarification, which would help the program be administered. Proponents also noted additional funding would allow more participation in the program.

There was no neutral or opponent testimony provided.

#### *Fiscal Information*

According to the fiscal note prepared by the Division of the Budget on the bill, an additional State General Fund appropriation of \$150,000 would be needed to cover the maximum amount of tuition waivers authorized by HB 2716.

Education; Kansas School Equity and Enhancement Act; federal impact aid; k-12; local foundation aid; Fort Leavenworth USD 207; virtual school students; capital improvement state aid; general obligation bond; virtual school graduation rates; virtual state aid; enrollment; virtual diploma completion; assessments; part-time enrollment; Kansas State High School Activities Association; Tax Credit for Low Income Students Scholarship; Every Child Can Read Act; school district accountability reports; alternative educational opportunities

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