

*As Amended by Senate Committee*

*Session of 2021*

**SENATE BILL No. 32**

By Committee on Education

1-14

1 AN ACT concerning education; relating to postsecondary education;  
2 concurrent and dual enrollment; authorizing school districts to pay  
3 tuition and fees; requiring tuition waiver for foster children; report to  
4 the legislature; amending K.S.A. 72-3220, 72-3221, 72-3222, 72-3223,  
5 72-3224 and 75-53,112 and repealing the existing sections.

6  
7 *Be it enacted by the Legislature of the State of Kansas:*

8 New Section 1. (a) Each eligible postsecondary educational  
9 institution that accepts students for enrollment pursuant to the Kansas  
10 challenge to secondary school students act shall submit a report annually  
11 to the state board of regents. Such report shall include, but not be limited  
12 to, the following:

13 (1) The number of students from each school district enrolled in the  
14 eligible postsecondary educational institution, including the number of  
15 students in the custody of the secretary for children and families;

16 (2) the number of students who successfully complete the courses in  
17 which such students are enrolled at the eligible postsecondary educational  
18 institution;

19 (3) the tuition rate charged for students compared to the tuition rate  
20 charged to individuals who are regularly enrolled and attending the eligible  
21 postsecondary educational institution; and

22 (4) the amount and percentage of tuition each school district is paying  
23 pursuant to K.S.A. 72-3223, and amendments thereto.

24 (b) The state board of regents shall compile and prepare a summary  
25 report of the reports submitted pursuant to subsection (a) and shall submit  
26 such report to the house standing committee on education and the senate  
27 standing committee on education on or before February 15 of each year  
28 commencing in 2022.

29 Sec. 2. K.S.A. 72-3220 is hereby amended to read as follows: 72-  
30 3220. ~~(a)~~ K.S.A. 72-3220 through 72-3224, and amendments thereto, *and*  
31 *section 1, and amendments thereto*, shall be known and may be cited as the  
32 Kansas challenge to secondary school ~~pupils~~ *students act*.

33 ~~(b) The provisions of this section shall take effect and be in force~~  
34 ~~from and after July 1, 1993.~~

35 Sec. 3. K.S.A. 72-3221 is hereby amended to read as follows: 72-  
36 3221. ~~(a)~~ The legislature hereby declares that secondary school ~~pupils~~

1 *students* should be challenged continuously in order to maintain their  
2 interests in the pursuit of education and skills critical to success in the  
3 modern world. Therefore, it is the purpose and intention of the Kansas  
4 challenge to secondary school ~~pupils~~ *students* act to provide a means  
5 ~~whereby~~ *that* school districts, in cooperation with institutions of  
6 postsecondary education, may provide new and exciting challenges to  
7 secondary school ~~pupils~~ *students* by encouraging ~~them~~ *such students* to  
8 take full advantage of the wealth of postsecondary ~~education~~ *educational*  
9 opportunities available in this state.

10 ~~(b) The provisions of this section shall take effect and be in force~~  
11 ~~from and after July 1, 1993.~~

12 Sec. 4. K.S.A. 72-3222 is hereby amended to read as follows: 72-  
13 3222. As used in the Kansas challenge to secondary school ~~pupils~~ *students*  
14 act:

15 (a) ~~"Concurrent enrollment pupil"~~ *"Student"* means a person who: (1)  
16 Is enrolled in grades 10, 11 or 12 maintained by a school district, or a  
17 gifted child who is enrolled in any of the grades 9 through 12 maintained  
18 by a school district;; (2) *has an individualized plan of study or an*  
19 *individualized education program*; (3) has demonstrated the ability to  
20 benefit from participation in the regular curricula of eligible postsecondary  
21 ~~education~~ *educational* institutions;; (4) has been authorized by the  
22 principal of the school attended to apply for enrollment at an eligible  
23 postsecondary ~~education~~ *educational* institution;; and (5) is acceptable or  
24 has been accepted for enrollment at an eligible postsecondary ~~education~~  
25 *educational* institution.

26 (b) ~~"Eligible postsecondary education educational institution"~~ means  
27 any state educational institution, community college, municipal university,  
28 technical college or accredited independent institution.

29 (c) ~~"State educational institution" has the meaning ascribed thereto~~  
30 *means the same as defined* in K.S.A. 76-711, and amendments thereto.

31 (d) *"Community college"* means any community college organized  
32 and operating under the laws of this state.

33 (e) *"Municipal university"* means a municipal university established  
34 under the provisions of article 13a of chapter 13 of *the Kansas Statutes*  
35 *Annotated, and amendments thereto.*

36 (f) ~~"Accredited independent institution"~~ means ~~an a not-for-profit~~  
37 institution of postsecondary education the main campus of which is  
38 located in Kansas and ~~which~~ *that*: (1) Is operated independently and not  
39 controlled or administered by any state agency or any subdivision of the  
40 state;; (2) maintains open enrollment;; and (3) is accredited by ~~the north~~  
41 ~~central association of colleges and secondary schools accrediting agency~~  
42 ~~based on its requirements as of April 1, 1985~~ *a nationally recognized*  
43 *accrediting agency for higher education in the United States.*

1 (g) "~~Technical college~~" ~~has the meaning ascribed thereto~~ *means the*  
2 *same as defined in K.S.A. 74-32,407, and amendments thereto.*

3 (h) "~~Gifted child~~" ~~has the meaning ascribed thereto~~ *means the same*  
4 *as defined in K.S.A. 72-3404, and amendments thereto, or in rules and*  
5 *regulations adopted pursuant thereto.*

6 Sec. 5. K.S.A. 72-3223 is hereby amended to read as follows: 72-  
7 3223. (a) The board of education of any school district and any eligible  
8 postsecondary—~~education~~ *educational* institution may enter into a  
9 cooperative agreement regarding the *dual or concurrent* enrollment of  
10 ~~concurrent enrollment pupils~~ *students* in courses of instruction for college  
11 credit at the eligible postsecondary—~~education~~ *educational* institution. The  
12 agreement shall include, but need not be limited to, the following:

13 (1) The academic credit to be granted for course work successfully  
14 completed by the ~~pupil~~ *student* at the institution, which credit shall qualify  
15 ~~as college credit and may qualify~~ as both high school and college credit;

16 (2) the requirement that such course work qualify as credit applicable  
17 toward the award of a degree or certificate at the institution;

18 (3) *except as otherwise provided in subsection (b), the requirement*  
19 *that the pupil shall pay to the institution the student shall pay* the  
20 negotiated amount of tuition *and related costs* charged by the institution  
21 *for the student's enrollment of the pupil; and*

22 (4) *the requirement that the eligible postsecondary educational*  
23 *institution shall notify the student or the student's parent or guardian if the*  
24 *course the student enrolled in at the eligible postsecondary educational*  
25 *institution is not a systemwide transfer course approved by the state board*  
26 *of regents and, as a result, the student may not receive credit for such*  
27 *course if the student transfers to or attends another in state postsecondary*  
28 *educational institution.*

29 (b) ~~The provisions of this section shall take effect and be in force~~  
30 ~~from and after July 1, 1993~~ *The board of education of a school district, in*  
31 *its discretion, may pay all or a portion of the negotiated amount of tuition*  
32 *and related costs, including fees, books, materials and equipment, charged*  
33 *by an eligible postsecondary educational institution for a student's*  
34 *enrollment in such institution. As part of any agreement entered into*  
35 *pursuant to this section, the board of education of a school district shall*  
36 *not be required to pay any amount of tuition and required fees that are*  
37 *waived for an eligible foster child pursuant to the foster child educational*  
38 *assistance act, K.S.A. 75-53,111 et seq., and amendments thereto, except*  
39 *that the board, in its discretion, may pay any related costs that are not*  
40 *waived pursuant to such act, including fees, books, materials and*  
41 *equipment, charged by an eligible postsecondary educational institution*  
42 *for the student's enrollment in such institution. Any such payment shall be*  
43 *paid directly to the eligible postsecondary educational institution and*

1 *shall be credited to such student's account.*

2 Sec. 6. K.S.A. 72-3224 is hereby amended to read as follows: 72-  
3 3224. (a) ~~No school district shall be responsible for the payment of tuition~~  
4 ~~charged to concurrent enrollment pupils by eligible education institutions~~  
5 ~~or for the provision of transportation for such pupils~~ *Except as otherwise*  
6 *provided in K.S.A. 72-3223(b), and amendments thereto, each student*  
7 *dually or concurrently enrolled in an eligible postsecondary educational*  
8 *institution pursuant to K.S.A. 72-3220 et seq., and amendments thereto,*  
9 *shall be responsible for the payment of the negotiated tuition and related*  
10 *costs, including fees, books, materials and equipment, charged by such*  
11 *institution for the student's enrollment.*

12 (b) *The board of education of a school district, in its discretion, may*  
13 *provide for the transportation of a student to or from any eligible*  
14 *postsecondary education educational institution.*

15 ~~(b) Each concurrent enrollment pupil shall be responsible for~~  
16 ~~payment of tuition for enrollment at an eligible postsecondary education~~  
17 ~~institution and for payment of the costs of books and equipment and any~~  
18 ~~other costs of enrollment.~~

19 (c) ~~Each concurrent enrollment pupil~~ *student dually or concurrently*  
20 *enrolled in an eligible postsecondary educational institution pursuant to*  
21 *K.S.A. 72-3220 et seq., and amendments thereto, who satisfactorily*  
22 *completes course work at an eligible postsecondary education such*  
23 *institution shall be granted appropriate credit toward fulfillment of the*  
24 *requirements for graduation from high school unless such credit is denied*  
25 *by the school district in which the pupil is enrolled on the basis that high*  
26 *school credit is inappropriate for such course work.*

27 ~~(d) The provisions of this section shall take effect and be in fore-~~  
28 ~~from and after July 1, 1993~~ *In order to remain eligible for participation in*  
29 *the program, a student shall remain in good standing at the eligible*  
30 *postsecondary educational institution or shall show satisfactory progress*  
31 *as determined by the school district.*

32 (e) *The provisions of the Kansas challenge to secondary school*  
33 *students act shall not apply to any enrollment in career technical*  
34 *education courses or programs that receive financial assistance or*  
35 *funding pursuant to K.S.A. 72-3810 et seq., and amendments thereto, or*  
36 *the career technical education incentive program established pursuant to*  
37 *K.S.A. or 72-3819, and amendments thereto.*

38 Sec. 7. K.S.A. 75-53,112 is hereby amended to read as follows: 75-  
39 53,112. As used in the Kansas foster child educational assistance act:

40 (a) "Kansas educational institution" means and includes any  
41 community college, the municipal university, state educational institution,  
42 the institute of technology at Washburn university or technical college.

43 (b) "Eligible foster child" means anyone who:

1 (1) (A) (i) Is in the custody of the secretary and in a foster care  
2 placement on the date such child attained 18 years of age; ~~(B)~~ (ii) has been  
3 released from the custody of the secretary prior to attaining 18 years of  
4 age, after having graduated from a high school or fulfilled the  
5 requirements for a general educational development (GED) certificate  
6 while in foster care placement and the custody of the secretary; ~~(C)~~ (iii) is  
7 adopted from a foster care placement on or after such child's 16<sup>th</sup> birthday;  
8 or ~~(D)~~ (iv) left a foster care placement subject to a guardianship under  
9 chapter 38 or 59 of the Kansas Statutes Annotated, and amendments  
10 thereto, on or after such child's 16<sup>th</sup> birthday; or

11 (B) *is a student as defined under the Kansas challenge to secondary*  
12 *school students act, K.S.A. 72-3220 et seq., and amendments thereto, and*  
13 *was in the custody of the secretary and in foster care placement at any*  
14 *time such child was enrolled in grades nine through 12 at a school of a*  
15 *school district; and*

16 (2) enrolls in a Kansas educational institution ~~on or after July 1, 2006.~~

17 (c) "Kansas foster child educational assistance program" or  
18 "program" means the program established pursuant to the provisions of the  
19 Kansas foster child educational assistance act, which shall provide for: (1)  
20 Undergraduate enrollment of eligible foster children *pursuant to*  
21 *subsection (b)(1)(A) through the semester the eligible foster child attains*  
22 *23 years of age; or (2) undergraduate enrollment of eligible foster*  
23 *children pursuant to subsection (b)(1)(B) through the Kansas challenge to*  
24 *secondary schools act, K.S.A. 72-3220 et seq., and amendments thereto.*

25 (d) "Educational program" means a program ~~which~~ *that* is offered and  
26 maintained by a Kansas educational institution and leads to the award of a  
27 certificate, diploma or degree upon satisfactory completion of course work  
28 requirements.

29 (e) "Secretary" means the secretary for children and families.

30 Sec. 8. K.S.A. 72-3220, 72-3221, 72-3222, 72-3223, 72-3224 and 75-  
31 53,112 are hereby repealed.

32 Sec. 9. This act shall take effect and be in force from and after its  
33 publication in the statute book.