

**REVISED**  
*SESSION OF 2022*

**SUPPLEMENTAL NOTE ON SUBSTITUTE FOR  
SUBSTITUTE FOR HOUSE BILL NO. 2512**

As Amended by House Committee of the Whole

**Brief\***

Sub. for Sub. for HB 2512 would:

- Make appropriations for the Kansas State Department of Education (KSDE) for FY 2022, FY 2023, and FY 2024 (Sections 1-3);
- Establish the Every Child Can Read Act (New Sections 4 and 5);
- 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 6);
- Amend reporting requirements for the Kansas State High School Activities Association (KSHSAA) (Section 7);
- 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 8);
- Amend the compulsory school attendance statute to consider students enrolled in a combination of public and private school during the required

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

periods of time as compliant with compulsory attendance requirements (Section 9);

- 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 10);
- 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 11);
- Amend the Kansas 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 11);
- Amend the Tax Credit for Low Income Students Scholarship Program (Section 12);
- 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 13); and
- Establish the Capital Improvement State Aid Fund and identify transfers as revenue transfers from the State General Fund (Section 14).

The bill would also make technical changes.

Sections 1-3 of the bill would be in effect upon publication in the *Kansas Register*, sections 4 and 5 would be in effect beginning July 1, 2023, and sections 6-14 would be in effect beginning July 1, 2022.

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

*FY 2022 (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
- \$48.5 million for Supplemental State Aid.

The bill would modify the SGF appropriation, in FY 2022, for KSDE. The bill would lapse 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
- \$66.4 million for State Foundation Aid for FY 2023.

*FY 2023 (Section 2)*

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;
- \$15.8 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; 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 Kansas

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 Kansas 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 KSDE to establish a fee for service to be paid by districts, not to exceed \$4.0 million, to 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 require the 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.

Such districts 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 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 and a comparison between low-usage and high-usage school districts and attendance centers.

*FY 2024 (Section 3)*

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 4 and 5)***

*Purpose (New Section 4)*

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

*Every Child Can Read Act (New Section 5)*

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 6)***

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.

#### ***Kansas State High School Activities Association Reporting (Section 7)***

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 8)***

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 9)***

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 Financial Incentives (Section 10)***

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 and Virtual School Graduation Rates (Section 11)***

##### *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.

### *Virtual School Graduation Rates*

The bill would amend the Kansas 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.

### ***Tax Credit for Low Income Students Scholarship Program (Section 12)***

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."

### ***Student Achievement Summary Report (Section 13)***

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.

### ***School District Capital Improvements Fund (Section 14)***

The bill would establish the School District Capital Improvements Fund and identify transfers as revenue transfers from the SGF.

### **Background**

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;

- Add \$5.0 million SGF for School Safety and Security Grants for FY 2023;
- Delete \$1.5 million SGF to not adopt the agency's enhancement request for CTE Transportation for FY 2023;
- Add language to require the KSDE to establish a fee for service to fund the Dyslexia Coordinator position (\$100,000) for FY 2023 to reimburse \$100,000 SGF appropriated for this purpose for FY 2023;
- Require KSDE to fund \$100,000 for Communities in Schools from existing resources for FY 2023;
- 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;
- Add language to allow KSDE to distribute excess funds in the Local School District Contributions Checkoff Fund to school districts for FY 2023;
- Add language to allow the Director of the Budget to transfer funds between the agency's SGF accounts for FY 2023;
- 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;
- Add language to continue Capital Improvement State Aid as a revenue transfer from the SGF for FY 2023;

- 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;
- 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;
- 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;
- 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;
- Amend the Tax Credit Scholarship for Low Income Students Program to include children seven years of age and under as eligible students;
- 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; 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 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.

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.

#### *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 ( $33,200 \times .01 \times \$426 = \$848,592$ ). 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 269, 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.]

#### *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 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 the bill as introduced, KSDE states any cost associated with enactment of the bill would be negligible and impact only local school districts.

**Fiscal Information**

A fiscal note for Sub. for Sub. for HB 2512 was not immediately available.

Education; 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