

**Senate Substitute for HOUSE BILL No. 2346**

By Committee on Education

3-18

1 AN ACT concerning education; relating to schools; requiring a Kansas  
2 foster care children academic report card; authorizing school districts to  
3 pay tuition and fees for concurrent or dual enrollment courses;  
4 providing ACT college entrance exams and workkeys assessments to  
5 students enrolled in accredited nonpublic schools; relating to the  
6 calculation of capital improvement state aid; amending K.S.A. 72-  
7 3220, 72-3221, 72-3222, 72-3223, 72-3224, 72-6241, 72-6242 and 75-  
8 53,112 and K.S.A. 2019 Supp. 72-5179 and 72-5462 and repealing the  
9 existing sections.

10  
11 *Be it enacted by the Legislature of the State of Kansas:*

12 New Section 1. (a) The state department of education and the  
13 department for children and families shall collaborate to prepare a Kansas  
14 foster care children annual academic report card. The annual report card  
15 shall include the following data for the preceding school year:

- 16 (1) The graduation rate of foster care students;
  - 17 (2) the number and percentage of foster care students that were  
18 promoted to the next grade level;
  - 19 (3) the number and percentage of foster care students that were  
20 suspended during the school year;
  - 21 (4) the number and percentage of foster care students that were  
22 expelled during the school year;
  - 23 (5) state standardized assessment scores for foster care students,  
24 including the number and percentage of students meeting academic  
25 standards as determined by the state board of education;
  - 26 (6) the number and percentage of foster care students enrolled in any  
27 preschool-aged at-risk program, Kansas preschool pilot program or early  
28 childhood special education program under section 619 of part B of the  
29 individuals with disabilities act;
  - 30 (7) the total number of foster care students enrolled in a school  
31 district or nonpublic school and the disaggregated number and percentage  
32 of foster care students enrolled in school districts and accredited nonpublic  
33 schools; and
  - 34 (8) de-identified disaggregated race and ethnicity data for each data  
35 set required in paragraphs (1) through (7).
- 36 (b) On or before January 15 of each year, the state department of

1 education and the department for children and families shall prepare and  
2 submit the Kansas foster care children annual academic report card to the  
3 senate standing committee on education and the house of representatives  
4 standing committee on education.

5 (c) As used in this section:

6 (1) "Foster care student" means any individual who was in the  
7 custody of the Kansas department for children and families at any time  
8 when such student attended a school during the school year for which the  
9 report required pursuant to this section is to be completed.

10 (2) "School" means any school of a school district or any nonpublic  
11 school accredited by the state board of education.

12 New Sec. 2. (a) Each eligible postsecondary educational institution  
13 that accepts students for enrollment pursuant to the Kansas challenge to  
14 secondary school students act shall submit a report annually to the state  
15 board of regents. Such report shall include, but not be limited to, the  
16 following:

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

20 (2) the number of students who successfully complete the courses in  
21 which such students are enrolled at the eligible postsecondary educational  
22 institution;

23 (3) the tuition rate charged for students compared to the tuition rate  
24 charged to individuals who are regularly enrolled and attending the eligible  
25 postsecondary educational institution; and

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

28 (b) The state board of regents shall compile and prepare a summary  
29 report of the reports submitted pursuant to subsection (a) and shall submit  
30 such report to the house standing committee on education and the senate  
31 standing committee on education on or before February 15 of each year  
32 commencing in 2021.

33 Sec. 3. K.S.A. 72-3220 is hereby amended to read as follows: 72-  
34 3220. ~~(a)~~ K.S.A. 72-3220 through 72-3224, and amendments thereto, *and*  
35 *section 2, and amendments thereto*, shall be known and may be cited as the  
36 Kansas challenge to secondary school ~~pupils~~ *students act*.

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

39 Sec. 4. K.S.A. 72-3221 is hereby amended to read as follows: 72-  
40 3221. ~~(a)~~ The legislature hereby declares that secondary school ~~pupils~~  
41 *students* should be challenged continuously in order to maintain their  
42 interests in the pursuit of education and skills critical to success in the  
43 modern world. Therefore, it is the purpose and intention of the Kansas

1 challenge to secondary school ~~pupils~~ *students* act to provide a means  
 2 ~~whereby that~~ school districts, in cooperation with institutions of  
 3 postsecondary education, may provide new and exciting challenges to  
 4 secondary school ~~pupils~~ *students* by encouraging ~~them~~ *such students* to  
 5 take full advantage of the wealth of postsecondary ~~education~~ *educational*  
 6 opportunities available in this state.

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

9 Sec. 5. K.S.A. 72-3222 is hereby amended to read as follows: 72-  
 10 3222. As used in the Kansas challenge to secondary school ~~pupils~~ *students*  
 11 act:

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

23 (b) ~~"Eligible postsecondary education educational institution"~~ means  
 24 any state educational institution, community college, municipal university,  
 25 technical college or accredited independent institution.

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

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

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

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

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

43 (h) ~~"Gifted child"~~ ~~has the meaning ascribed thereto~~ *means the same*

1 *as defined in K.S.A. 72-3404, and amendments thereto, or in rules and*  
2 *regulations adopted pursuant thereto.*

3 Sec. 6. K.S.A. 72-3223 is hereby amended to read as follows: 72-  
4 3223. (a) The board of education of any school district and any eligible  
5 postsecondary—~~education~~ *educational* institution may enter into a  
6 cooperative agreement regarding the *dual or concurrent* enrollment of  
7 ~~concurrent enrollment pupils~~ *students* in courses of instruction for college  
8 credit at the eligible postsecondary—~~education~~ *educational* institution. The  
9 agreement shall include, but need not be limited to, the following:

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

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

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

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

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

42 Sec. 7. K.S.A. 72-3224 is hereby amended to read as follows: 72-  
43 3224. (a) ~~No school district shall be responsible for the payment of tuition~~

1 ~~charged to concurrent enrollment pupils by eligible education institutions~~  
2 ~~or for the provision of transportation for such pupils~~ *Except as otherwise*  
3 *provided in K.S.A. 72-3223(b), and amendments thereto, each student*  
4 *dually or concurrently enrolled in an eligible postsecondary educational*  
5 *institution pursuant to K.S.A. 72-3220 et seq., and amendments thereto,*  
6 *shall be responsible for the payment of the negotiated tuition and related*  
7 *costs, including fees, books, materials and equipment, charged by such*  
8 *institution for the student's enrollment.*

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

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

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

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

29 *(e) The provisions of the Kansas challenge to secondary school*  
30 *students act shall not apply to any enrollment in career technical*  
31 *education courses or programs pursuant to K.S.A. 72-3810 et seq., and*  
32 *amendments thereto, or the career technical education incentive program*  
33 *established pursuant to K.S.A. 72-3819, and amendments thereto.*

34 Sec. 8. K.S.A. 2019 Supp. 72-5179 is hereby amended to read as  
35 follows: 72-5179. (a) The state board of education shall provide the ACT  
36 college entrance exam and the three ACT workkeys assessments that are  
37 required to earn a national career readiness certificate to each student  
38 enrolled in grades 11 and 12, and the pre-ACT college entrance exam to  
39 each student enrolled in grade nine. No student shall be required to pay  
40 any fees or costs to take any such exam or assessments. The state board  
41 shall not be required to provide more than one exam and three assessments  
42 for each student. The state board of education may enter into any contracts  
43 that are necessary to promote statewide cost savings to administer such

1 exams and assessments.

2 (b) *On or before the first day of the regular legislative session in*  
3 *2021, and each year thereafter, the state board of education shall prepare*  
4 *and submit a report to the senate standing committee on education and the*  
5 *house standing committee on education that includes aggregate exam and*  
6 *assessment data for all students who were provided the exams and*  
7 *assessments pursuant to this section.*

8 (c) *As used in this section, "student" means any person who is*  
9 *regularly enrolled in any public or accredited nonpublic school located in*  
10 *Kansas.*

11 Sec. 9. K.S.A. 2019 Supp. 72-5462 is hereby amended to read as  
12 follows: 72-5462. (a) There is hereby established in the state treasury the  
13 school district capital improvements fund. The fund shall consist of all  
14 amounts transferred thereto under the provisions of subsection (c).

15 (b) In each school year, each school district ~~which~~ *that* is obligated to  
16 make payments from its capital improvements fund shall be entitled to  
17 receive payment from the school district capital improvements fund in an  
18 amount determined by the state board of education as provided in this  
19 subsection.

20 (1) For general obligation bonds approved for issuance at an election  
21 held prior to July 1, 2015, the state board of education shall:

22 (A) Determine the amount of the assessed valuation per pupil (AVPP)  
23 of each school district in the state for the preceding school year and round  
24 such amount to the nearest \$1,000. The rounded amount is the AVPP of a  
25 school district for the purposes of this subsection (b)(1);

26 (B) determine the median AVPP of all school districts;

27 (C) prepare a schedule of dollar amounts using the amount of the  
28 median AVPP of all school districts as the point of beginning. The  
29 schedule of dollar amounts shall range upward in equal \$1,000 intervals  
30 from the point of beginning to and including an amount that is equal to the  
31 amount of the AVPP of the school district with the highest AVPP of all  
32 school districts and shall range downward in equal \$1,000 intervals from  
33 the point of beginning to and including an amount that is equal to the  
34 amount of the AVPP of the school district with the lowest AVPP of all  
35 school districts;

36 (D) determine a state aid percentage factor for each school district by  
37 assigning a state aid computation percentage to the amount of the median  
38 AVPP shown on the schedule, decreasing the state aid computation  
39 percentage assigned to the amount of the median AVPP by one percentage  
40 point for each \$1,000 interval above the amount of the median AVPP, and  
41 increasing the state aid computation percentage assigned to the amount of  
42 the median AVPP by one percentage point for each \$1,000 interval below  
43 the amount of the median AVPP. Except as provided by K.S.A. 72-5463,

1 and amendments thereto, the state aid percentage factor of a school district  
2 is the percentage assigned to the schedule amount that is equal to the  
3 amount of the AVPP of the school district. The state aid percentage factor  
4 of a school district shall not exceed 100%. The state aid computation  
5 percentage is 25%;

6 (E) determine the amount of payments that a school district is  
7 obligated to make from its bond and interest fund attributable to general  
8 obligation bonds approved for issuance at an election held prior to July 1,  
9 2015; and

10 (F) multiply the amount determined under subsection (b)(1)(E) by the  
11 applicable state aid percentage factor.

12 (2) For general obligation bonds approved for issuance at an election  
13 held on or after July 1, 2015, the state board of education shall:

14 (A) Determine the amount of the AVPP of each school district in the  
15 state for the preceding school year and round such amount to the nearest  
16 \$1,000. *When determining the amount of the AVPP of each school district*  
17 *in the state, the state board shall exclude the number of students enrolled*  
18 *in a virtual school offered by a school district from the AVPP of such*  
19 *district. The rounded amount is the AVPP of a school district for the*  
20 *purposes of this subsection (b)(2);*

21 (B) *except as provided in subsection (b)(8),* prepare a schedule of  
22 dollar amounts using the amount of the AVPP of the school district with  
23 the lowest AVPP of all school districts as the point of beginning. The  
24 schedule of dollar amounts shall range upward in equal \$1,000 intervals  
25 from the point of beginning to and including an amount that is equal to the  
26 amount of the AVPP of the school district with the highest AVPP of all  
27 school districts;

28 (C) determine a state aid percentage factor for each school district by  
29 assigning a state aid computation percentage to the amount of the lowest  
30 AVPP shown on the schedule and decreasing the state aid computation  
31 percentage assigned to the amount of the lowest AVPP by one percentage  
32 point for each \$1,000 interval above the amount of the lowest AVPP.  
33 Except as provided by K.S.A. 72-5463, and amendments thereto, the state  
34 aid percentage factor of a school district is the percentage assigned to the  
35 schedule amount that is equal to the amount of the AVPP of the school  
36 district. The state aid computation percentage is 75%;

37 (D) determine the amount of payments that a school district is  
38 obligated to make from its bond and interest fund attributable to general  
39 obligation bonds approved for issuance at an election held on or after July  
40 1, 2015; and

41 (E) multiply the amount determined under subsection (b)(2)(D) by  
42 the applicable state aid percentage factor.

43 (3) For general obligation bonds approved for issuance at an election

1 held on or before June 30, 2016, the sum of the amount determined under  
2 subsection (b)(1)(F) and the amount determined under subsection (b)(2)(E)  
3 is the amount of payment the school district is entitled to receive from the  
4 school district capital improvements fund in the school year.

5 (4) (A) For general obligation bonds approved for issuance at an  
6 election held on or after July 1, 2016, the amount determined under  
7 subsection (b)(2)(E) is the amount of payment the school district shall  
8 receive from the school district capital improvements fund in the school  
9 year, except the total amount of payments school districts receive from the  
10 school district capital improvements fund in the school year for such bonds  
11 shall not exceed the six-year average amount of capital improvement state  
12 aid as determined by the state board of education.

13 ~~(A)~~(B) The state board of education shall determine the six-year  
14 average amount of capital improvement state aid by calculating the  
15 average of the total amount of moneys expended per year from the school  
16 district capital improvements fund in the immediately preceding six fiscal  
17 years, not to include the current fiscal year.

18 ~~(B)~~(C) (i) Subject to clause (ii), the state board of education shall  
19 prioritize the allocations to school districts from the school district capital  
20 improvements fund in accordance with the priorities set forth as follows in  
21 order of highest priority to lowest priority:

22 (a) Safety of the current facility and disability access to such facility  
23 as demonstrated by a state fire marshal report, an inspection under the  
24 Americans with disabilities act, 42 U.S.C. § 12101 et seq., or other similar  
25 evaluation;

26 (b) enrollment growth and imminent overcrowding as demonstrated  
27 by successive increases in enrollment of the school district in the  
28 immediately preceding three school years;

29 (c) impact on the delivery of educational services as demonstrated by  
30 restrictive inflexible design or limitations on installation of technology;  
31 and

32 (d) energy usage and other operational inefficiencies as demonstrated  
33 by a district-wide energy usage analysis, district-wide architectural  
34 analysis or other similar evaluation.

35 (ii) In allocating capital improvement state aid, the state board shall  
36 give higher priority to those school districts with a lower AVPP compared  
37 to the other school districts that are to receive capital improvement state  
38 aid under this section.

39 ~~(C)~~(D) On and after July 1, 2016, the state board of education shall  
40 approve the amount of state aid payments a school district shall receive  
41 from the school district capital improvements fund pursuant to subsection  
42 (b)(5) prior to an election to approve the issuance of general obligation  
43 bonds.



1 (5) Except as provided in subsections (b)(6)~~and (b)(7)~~ through (b)(8),  
2 the sum of the amounts determined under subsection (b)(3) and the amount  
3 determined or allocated to the district by the state board of education  
4 pursuant to subsection (b)(4), is the amount of payment the school district  
5 is entitled to receive from the school district capital improvements fund in  
6 the school year.

7 (6) A school district that had an enrollment of less than 260 students  
8 in the school year immediately preceding the school year in which an  
9 election is held to approve the issuance of general obligation bonds shall  
10 not be entitled to receive payments from the school district capital  
11 improvements fund unless such school district applied for and received  
12 approval from the state board of education to issue such bonds prior to  
13 holding an election to approve such bond issuance. The provisions of this  
14 paragraph shall apply to general obligation bonds approved for issuance at  
15 an election held on or after July 1, 2017, that are issued for the purpose of  
16 financing the construction of new school facilities.

17 (7) For general obligation bonds approved for issuance at an election  
18 held on or after July 1, 2017, in determining the amount under subsection  
19 (b)(2)(D), the state board shall exclude payments for any capital  
20 improvement project, or portion thereof, that proposes to construct,  
21 reconstruct or remodel a facility that would be used primarily for  
22 extracurricular activities, unless the construction, reconstruction or  
23 remodeling of such facility is necessary due to concerns relating to the  
24 safety of the current facility or disability access to such facility as  
25 demonstrated by a state fire marshal report, an inspection under the  
26 Americans with disabilities act, 42 U.S.C. § 12101 et seq., or other similar  
27 evaluation.

28 (8) *For general obligation bonds approved for issuance at an*  
29 *election held on or after July 1, 2015, in preparing the schedule of dollar*  
30 *amounts under subsection (b)(2)(B), the state board shall exclude unified*  
31 *school district No. 207, Fort Leavenworth, from such schedule, and the*  
32 *amount of the AVPP of the school district with the lowest AVPP of all*  
33 *remaining school districts shall be the point of beginning.*

34 (c) The state board of education shall certify to the director of  
35 accounts and reports the entitlements of school districts determined under  
36 the provisions of subsection (b), and an amount equal thereto shall be  
37 transferred by the director from the state general fund to the school district  
38 capital improvements fund for distribution to school districts. All transfers  
39 made in accordance with the provisions of this subsection shall be  
40 considered to be demand transfers from the state general fund, except that  
41 all such transfers during the fiscal years ending June 30, 2020, June 30,  
42 2021, and June 30, 2022, shall be considered to be revenue transfers from  
43 the state general fund.

1 (d) Payments from the school district capital improvements fund shall  
2 be distributed to school districts at times determined by the state board of  
3 education to be necessary to assist school districts in making scheduled  
4 payments pursuant to contractual bond obligations. The state board of  
5 education shall certify to the director of accounts and reports the amount  
6 due each school district entitled to payment from the fund, and the director  
7 of accounts and reports shall draw a warrant on the state treasurer payable  
8 to the treasurer of the school district. Upon receipt of the warrant, the  
9 treasurer of the school district shall credit the amount thereof to the bond  
10 and interest fund of the school district to be used for the purposes of such  
11 fund.

12 (e) The provisions of this section apply only to contractual  
13 obligations incurred by school districts pursuant to general obligation  
14 bonds issued upon approval of a majority of the qualified electors of the  
15 school district voting at an election upon the question of the issuance of  
16 such bonds.

17 (f) On or before the first day of the legislative session in 2017, and  
18 each year thereafter, the state board of education shall prepare and submit  
19 a report to the legislature that includes information on school district  
20 elections held on or after July 1, 2016, to approve the issuance of general  
21 obligation bonds and the amount of payments school districts were  
22 approved to receive from the school district capital improvements fund  
23 pursuant to subsection ~~(b)(4)(C)~~ (b)(4)(D).

24 Sec. 10. K.S.A. 72-6241 is hereby amended to read as follows: 72-  
25 6241. As used in this act:

26 (a) ~~"School board" means the governing body of any school;~~

27 ~~(b) "school" means all elementary and high schools;~~

28 ~~(c) "Accredited nonpublic school" means all nonpublic elementary~~  
29 ~~and secondary schools accredited by the state board of education;~~

30 (b) "basic vision screening" means an *age-appropriate* eye testing  
31 program for each child based on a test chart which is graduated as to size  
32 of symbols, or the so-called Snellen test, or any other system or method of  
33 testing equal thereto or better in the judgment of the school board that is  
34 implemented according to the most recent edition of the Kansas vision  
35 screening requirements and guidelines and includes referrals for eye  
36 examinations and necessary follow-ups;

37 (c) "board of education" means the board of education of any school  
38 district;

39 (d) "IDEA part B" means all statewide programs providing special  
40 education and related services to children with disabilities aged 3 through  
41 5 in accordance with 20 U.S.C. § 1411, and amendments thereto;

42 (e) "school district" means any school district organized under the  
43 laws of this state; and

1 (f) "vision screener" means any school nurse, or the nurse's designee,  
2 or other person who is trained to administer a vision screening test to  
3 students in the state of Kansas in accordance with this section.

4 Sec. 11. K.S.A. 72-6242 is hereby amended to read as follows: 72-  
5 6242. (a) *The following children shall be provided a basic vision screening*  
6 *without charge:*

7 (1) ~~Each school board shall provide basic vision screening without~~  
8 ~~charge to every pupil~~ *Annually, for every child participating in IDEA part*  
9 *B programs;*

10 (2) *at least once each school year for students enrolled in each*  
11 *kindergarten and each of the grades one through three, five, seven and 10*  
12 *in a school under the governance of such school board not less than once*  
13 *every two (2) years. All such tests district or an accredited nonpublic*  
14 *school; and*

15 (3) *any student enrolled in a school district or an accredited*  
16 *nonpublic school within such student's first year of admission.*

17 (b) (1) *Every student enrolled in a school district shall be provided*  
18 *basic vision screening by the board of education of the school district in*  
19 *which the student is enrolled.*

20 (2) *Every student enrolled in an accredited nonpublic school shall be*  
21 *provided basic vision screening by either:*

22 (A) *The accredited nonpublic school in which the student is enrolled;*  
23 *or*

24 (B) *upon request by the student's parent or guardian, by the board of*  
25 *education of the school district in which the student resides.*

26 (c) *Basic vision screening shall be performed by a teacher or some*  
27 ~~*other person*~~ *vision screener designated by the school board of education*  
28 *or by an accredited nonpublic school. Vision screeners shall be required to*  
29 *follow the most recent state vision screening guidelines for performing*  
30 *vision screening pursuant to the requirements of this law. The results of the*  
31 ~~*test screening*~~ *and, if necessary, the desirability of referral for an*  
32 ~~*examination by a qualified physician, an ophthalmologist or optometrist*~~  
33 ~~*shall be reported to the parents or guardians of such pupils. Information*~~  
34 ~~*relating to the desirability of any examined student. The referral for an*~~  
35 ~~*examination by a qualified physician, an ophthalmologist or optometrist*~~  
36 ~~*shall not show preference in favor of any such professional person*~~  
37 ~~*ophthalmologist or optometrist.*~~

38 (2) ~~The requirements of this subsection shall not apply to a pupil who~~  
39 ~~has had a basic vision screening examination within six months prior to~~  
40 ~~the provision of basic vision screening in the school in which the pupil is~~  
41 ~~enrolled.~~

42 (b)(d) ~~Each pupil~~ *student* ~~needing assistance in achieving mastery of~~  
43 ~~basic reading, writing and mathematics skills shall be encouraged to obtain~~

1 an eye examination by an optometrist or ophthalmologist to determine if  
2 the ~~pupil~~ *student* suffers from conditions ~~which~~ *that* impair the ability to  
3 read. Expense for such examination, if not reimbursed through medicaid,  
4 ~~Healthcare~~, private insurance or *any* other governmental or private  
5 program, shall be the responsibility of the ~~pupil's~~ *student's* parent or  
6 guardian.

7 *(e) A Kansas children's vision health and school readiness*  
8 *commission shall be established to ensure the implementation of this*  
9 *section. Members of the commission shall be appointed by the state board*  
10 *of education. The commission shall be comprised of:*

11 *(1) One optometrist;*

12 *(2) one ophthalmologist;*

13 *(3) one representative of a health organization dedicated to*  
14 *preventing blindness;*

15 *(4) one representative of the department of education;*

16 *(5) one representative of the department of health and environment;*

17 *(6) one school nurse;*

18 *(7) one public health nurse; and*

19 *(8) one school administrator.*

20 *(f) Members of the commission will not be reimbursed for meeting*  
21 *expenses.*

22 *(g) The duties of the commission are as follows:*

23 *(1) Overseeing revision of state vision screening requirements and*  
24 *guidelines no fewer than once every seven years;*

25 *(2) providing standardized vision screening referral letters and eye*  
26 *professional examination reports as referenced in the Kansas vision*  
27 *screening requirements and guidelines;*

28 *(3) identifying state resources that assist in providing opportunities to*  
29 *offer free or low-cost eye exams for students who fail vision screenings*  
30 *and are unable to afford an examination on their own; and*

31 *(4) establishing a system to collect data from school health personnel*  
32 *concerning the results of the original screenings and referral outcomes, as*  
33 *well as issuing an annual report to the secretary of health and*  
34 *environment and the commissioner of education.*

35 Sec. 12. K.S.A. 75-53,112 is hereby amended to read as follows: 75-  
36 53,112. As used in the Kansas foster child educational assistance act:

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

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

41 (1) (A) (i) Is in the custody of the secretary and in a foster care  
42 placement on the date such child attained 18 years of age; ~~(B)~~ (ii) has been  
43 released from the custody of the secretary prior to attaining 18 years of

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

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

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

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

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

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

27 Sec. 13. K.S.A. 72-3220, 72-3221, 72-3222, 72-3223, 72-3224, 72-  
28 6241, 72-6242 and 75-53,112 and K.S.A. 2019 Supp. 72-5179 and 72-  
29 5462 are hereby repealed.

30 Sec. 14. This act shall take effect and be in force from and after its  
31 publication in the statute book.