

STATE OF KANSAS

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GOVERNOR LAURA KELLY

**MESSAGE FROM THE GOVERNOR  
REGARDING VETO OF HOUSE BILL 2510**

House Bill 2510 includes valuable provisions—such as free ACT exams for high school students and a foster care report card—that I would sign into law if they were presented in a standalone bill. The Kansas Promise Scholarship is also a laudable effort to make higher education more accessible to vulnerable Kansans who come of age in the foster care system, and to incentivize Kansas graduates to establish their careers here.

Although well-intentioned, House Bill 2510 as a whole would annually deplete millions from state funds at a time when Kansas faces a \$1.3 billion budget shortfall. I cannot in good conscience sign a bill establishing a new discretionary spending program that is unrelated to Kansas COVID-19 response efforts when such severe financial strain looms in the months ahead. I have made Kansas children in foster care one of the top priorities of my administration. At this time of fiscal crisis we must focus on preserving the foster care programs and services already in place.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto House Bill 2510.

THE GOVERNOR'S OFFICE

BY THE GOVERNOR

A handwritten signature in blue ink, appearing to read "Laura Kelly", written over a horizontal line.

DATED

6.1.2020

HOUSE BILL No. 2510

AN ACT concerning education; creating the Kansas promise scholarship act; requiring a Kansas foster care children annual academic report card; authorizing the state board of regents on behalf of Kansas state university to sell certain real property in Saline county; authorizing school districts to pay tuition and fees for concurrent and dual enrollment of students; requiring tuition waiver for dual or concurrently enrolled foster students; authorizing the practice of the healing arts by healing arts school clinics; providing ACT college entrance exams and workkeys assessments to nonpublic school students; amending K.S.A. 65-2877a, as amended by section 5 of chapter 52 of the 2019 Session Laws of Kansas, 72-3220, 72-3221, 72-3222, 72-3223, 72-3224 and 75-53,112 and K.S.A. 2019 Supp. 17-2707, 17-7668 and 72-5179 and repealing the existing sections.

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

New Section 1. (a) The provisions of section 1 et seq., and amendments thereto, shall be known and may be cited as the Kansas promise scholarship act.

(b) As used in the Kansas promise scholarship act:

(1) "Eligible postsecondary educational institution" means:

(A) Any community college established pursuant to chapter 71 of the Kansas Statutes Annotated, and amendments thereto;

(B) any technical college established under the laws of this state;

(C) the Washburn institute of technology; or

(D) any two-year associate degree program or career and technical education program offered by a private postsecondary educational institution accredited by the higher learning commission with its primary location in Kansas.

(2) "Military servicemember" means the same as defined in K.S.A. 2019 Supp. 48-3406, and amendments thereto.

New Sec. 2. (a) There is hereby established the Kansas promise scholarship program. The state board of regents shall administer the program.

(b) On or before March 1, 2021, the state board of regents shall adopt rules and regulations to implement and administer the Kansas promise scholarship program. Such rules and regulations shall establish:

(1) Scholarship application deadlines;

(2) appeal procedures for denial or revocation of a Kansas promise scholarship;

(3) guidelines to ensure as much as is practicable that, if a student who received a Kansas promise scholarship graduates from a career and technical education program or transfer associate degree program pursuant to this act and subsequently enrolls in a state educational institution, as defined in K.S.A. 76-711, and amendments thereto, or municipal university any courses taken by such student shall be transferred to the state educational institution or municipal university and qualify toward the student's baccalaureate degree;

(4) procedures for a student who receives a Kansas promise scholarship to record and report proof of community service and community service hours;

(5) the terms, conditions and requirements that shall be incorporated into each Kansas promise scholarship agreement;

(6) procedures for requesting and approving medical, military and personal absences from an eligible postsecondary educational institution while receiving a Kansas promise scholarship;

(7) criteria for determining whether any student who received a Kansas promise scholarship fulfilled the employment and repayment requirements included in a Kansas promise scholarship agreement as provided in section 5, and amendments thereto; and

(8) criteria for determining when a student who received a Kansas promise scholarship may be released from the requirements of a Kansas promise scholarship, if there are special circumstances that caused such student to be unable to complete such requirements.

(c) The state board of regents shall:

(1) Work with community partners, such as community foundations, school districts, postsecondary educational institutions, Kansas business and industry and Kansas economic development

organizations to publicize Kansas promise scholarships, including, but not limited to, publicizing eligible postsecondary educational institutions, approved scholarship-eligible educational programs, application procedures and application deadlines;

(2) allocate funds to each eligible postsecondary educational institution for the purpose of awarding Kansas promise scholarships;

(3) request information from eligible postsecondary educational institutions necessary for the administration of this act;

(4) annually collaborate with the department of commerce and Kansas business and industry to identify up to 10 job fields and pathways that currently have the highest need for skilled employees;

(5) designate scholarship-eligible career and technical programs and transfer education programs that correspond to the job fields and pathways identified in paragraph (4);

(6) ensure that any student who received a Kansas promise scholarship fulfills the employment or repayment requirements provided in section 5, and amendments thereto; and

(7) beginning January 2021, annually evaluate the Kansas promise scholarship program and prepare and submit a report to the senate standing committee on education and the house of representatives standing committee on education.

New Sec. 3. (a) Subject to appropriations, the amount of a Kansas promise scholarship for a student for each semester shall be the aggregate amount of tuition, required fees and the cost of books and required materials for the educational program at the eligible postsecondary educational institution for the academic year in which the student is enrolled and receiving the scholarship minus the aggregate amount of all other aid awarded to such student for such semester. Aid includes any grant, scholarship or financial assistance awards that do not require repayment. During any fiscal year, the appropriation pursuant to this section shall not exceed \$10,000,000.

(b) If a student is enrolled in an eligible postsecondary education program offered by a four-year eligible postsecondary educational institution, the aggregate amount of tuition, mandatory fees and the cost of books and materials for such eligible postsecondary education program shall be the average cost of tuition, mandatory fees and the cost of books and materials for such eligible postsecondary education program when offered by an eligible public postsecondary educational institution that is not a four-year institution.

New Sec. 4. (a) To be eligible for a Kansas promise scholarship, a student shall:

(1) Be a Kansas resident;

(2) be enrolled in grade 12 in an eligible high school, be a graduate of a Kansas public or private secondary school, have been in the custody of the secretary for children and families as a minor pursuant to the revised Kansas code for care of children at any time while enrolled in any of the grades six through 12 or have obtained a high school equivalency certificate within the preceding 12 months. This paragraph shall not apply to a student who is a dependent child of a military servicemember permanently stationed in another state who graduates from a postsecondary school or obtains a high school equivalency certificate within the preceding 12 months;

(3) complete the required scholarship application on such forms and in such manner as established by the state board of regents;

(4) enter into a Kansas promise scholarship agreement pursuant to section 5, and amendments thereto;

(5) complete the free application for federal student aid for the academic year in which the student applies to receive a Kansas promise scholarship; and

(6) enroll in an eligible postsecondary educational institution in a scholarship-eligible career and technical education program or associate degree program with coursework in an identified job field that corresponds to a baccalaureate degree program.

(b) To continue to receive a Kansas promise scholarship, a student shall:

(1) Annually complete 100 hours of community service or be verified by the eligible postsecondary educational institution to be employed part-time throughout the time period in which the student is receiving a Kansas promise scholarship;

(2) maintain a minimum cumulative grade point average of 2.0; and

(3) satisfy any other requirements of a Kansas promise scholarship agreement as provided in section 5, and amendments thereto.

(c) Nothing in this act shall prohibit a student who received postsecondary course credit while enrolled in high school from qualifying for a Kansas promise scholarship.

New Sec. 5. (a) As a condition to receiving a Kansas promise scholarship, an eligible student shall enter into a Kansas promise scholarship agreement with the eligible postsecondary educational institution making the scholarship award to such student. Such agreement shall require such student who receives a Kansas promise scholarship to:

(1) Enroll as a full-time student at the eligible postsecondary educational institution for which the student is receiving a Kansas promise scholarship and engage in and complete the required career and technical education program or associate degree program with coursework in an identified job field that corresponds to a baccalaureate degree program;

(2) within six months after graduation from the career and technical education program or associate degree program with coursework in an identified job field that corresponds to a baccalaureate degree program:

(A) Commence work in the state of Kansas for at least two consecutive years following completion of such program; or

(B) enroll as a full-time student in any public or private postsecondary educational institution with its primary location in Kansas and upon graduation or failure to re-enroll as a full-time student at such institution, commence work in Kansas for at least two consecutive years following the completion of such program;

(3) maintain records and make reports to the state board of regents on such forms and in such manner as required by the state board of regents to document the satisfaction of the requirements of this act; and

(4) upon failure to satisfy the requirements of a Kansas promise scholarship agreement, repay the amount of the Kansas promise scholarship the student received under the program as provided in subsection (b).

(b) (1) Except as provided in subsection (c), if any student who receives a Kansas promise scholarship fails to satisfy the requirements of a Kansas promise scholarship agreement entered into pursuant to this section, such student shall pay an amount equal to the total amount of money received by such student pursuant to such agreement that is financed by the state of Kansas plus accrued interest at a rate equivalent to the interest rate applicable to loans made under the federal PLUS program at the time such person first entered into an agreement. Installment payments of such amounts may be made in accordance with rules and regulations of the state board of regents. Such installment payments shall begin six months after the date of the action or circumstances that cause such student to fail to satisfy the requirements

of a Kansas promise scholarship agreement, as determined by the state board of regents upon the circumstances of each individual case. All moneys received pursuant to this subsection shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(2) The state board of regents is authorized to turn any repayment account arising under this act to a designated loan servicer or collection agency, the state not being involved other than to receive payments from the loan servicer or collection agency at the interest rate prescribed under this subsection.

(c) Any requirement under a Kansas promise scholarship agreement entered into pursuant to this section may be postponed for good cause in accordance with rules and regulations of the state board of regents.

(d) A student who received a Kansas promise scholarship and entered into a Kansas promise scholarship agreement satisfies the requirements under such agreement when such student:

(1) Completes the requirements in accordance with such agreement;

(2) fails to satisfy the requirements for completion of the educational requirements after making the best effort possible to do so;

(3) is unable to obtain employment and continue in such employment after making the best effort possible to do so;

(4) is unable to satisfy the requirements due to permanent physical disability; or

(5) dies.

New Sec. 6. On and after July 1, 2025, no Kansas promise scholarship shall be awarded to any student who has not previously been awarded a Kansas promise scholarship prior to July 1, 2025.

New Sec. 7. (a) The state department of education and the department for children and families shall collaborate to prepare a Kansas foster care children annual academic report card. The annual report card shall include the following data for the preceding school year:

(1) The graduation rate of foster care students;

(2) the number and percentage of foster care students that were promoted to the next grade level;

(3) the number and percentage of foster care students that were suspended during the school year;

(4) the number and percentage of foster care students that were expelled during the school year;

(5) state standardized assessment scores for foster care students, including the number and percentage of students meeting academic standards as determined by the state board of education;

(6) the number and percentage of foster care students enrolled in any preschool-aged at-risk program, Kansas preschool pilot program or early childhood special education program under section 619 of part B of the individuals with disabilities act;

(7) the number and percentage of foster care students that participated in the mental health intervention team pilot program or a similar mental health program;

(8) the total number of foster care students enrolled in a school district or nonpublic school and the disaggregated number and percentage of foster care students enrolled in school districts and accredited nonpublic schools; and

(9) de-identified disaggregated race and ethnicity data for each data set required in paragraphs (1) through (8).

(b) On or before January 15 of each year, the state department of education and the department for children and families shall prepare and submit the Kansas foster care children annual academic report card to the senate committee on education and the house committee on education.

(c) As used in this section:

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

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

New Sec. 8. (a) The state board of regents is hereby authorized and empowered, for and on behalf of Kansas state university, to sell and convey all of the rights, title and interest subject to all easements and appurtenances in the following described real estate located in Saline county, Kansas: Lot Eleven (11), less West 100' feet, Block Twelve (12), Schilling Subdivision No. 5, to the City of Salina, Saline County, Kansas. Formerly a tract of land in Block Two (2) Schilling Subdivision Lying in the Northeast Quarter (NE/4) of Section Three (3), Township Fifteen (15) South, Range Three (3) West of the Sixth (6th) P.M. as shown in Deed recorded November 18, 1966, in Book 268, pages 476 through 503 and legal found on page 485.

(b) Conveyance of such rights, title and interest in such real estate shall be executed in the name of the state board of regents by its chairperson and executive officer. All proceeds from the sale and conveyance thereof shall be deposited in the restricted fees account of Kansas state university.

(c) No conveyance of real estate authorized by this section shall be made or accepted by the state board of regents until the deeds, titles and conveyances have been reviewed and approved by the attorney general. In the event that the state board of regents determines that the legal description of the real estate described in this section is incorrect, the state board of regents may convey the property utilizing the correct legal description, but the deed conveying the property shall be subject to the approval of the attorney general. The conveyance authorized by this section shall not be subject to the provisions of K.S.A. 75-3043a or 75-6609, and amendments thereto.

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

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

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

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

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

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

Sec. 10. K.S.A. 2019 Supp. 17-2707 is hereby amended to read as follows: 17-2707. As used in this act, unless the context clearly indicates that a different meaning is intended:

(a) "Professional corporation" means a corporation organized under this act.

(b) "Professional service" means the type of personal service rendered by a person duly licensed, registered or certified by this state as a member of any of the following professions, each paragraph constituting one type:

- (1) A certified public accountant;
- (2) an architect;
- (3) an attorney-at-law;
- (4) a chiropractor;
- (5) a dentist;
- (6) an engineer;
- (7) an optometrist;
- (8) an osteopathic physician or surgeon;
- (9) a physician, surgeon or doctor of medicine;
- (10) a veterinarian;
- (11) a podiatrist;
- (12) a pharmacist;
- (13) a land surveyor;
- (14) a licensed psychologist;
- (15) a specialist in clinical social work;
- (16) a licensed physical therapist;
- (17) a landscape architect;
- (18) a registered professional nurse;
- (19) a real estate broker or salesperson;
- (20) a clinical professional counselor;
- (21) a geologist;
- (22) a clinical psychotherapist;
- (23) a clinical marriage and family therapist;
- (24) a licensed physician assistant;
- (25) a licensed occupational therapist;
- (26) a licensed audiologist;
- (27) a licensed speech-pathologist; and
- (28) a licensed naturopathic doctor.

(c) "Regulating board" means the court, board or state agency ~~which that~~ is charged with the licensing, registering or certifying and regulation of the practice of the profession ~~which that~~ the professional corporation is organized to render.

(d) "Qualified person" means:

(1) Any natural person licensed, registered or certified to practice the same type of profession ~~which that~~ any professional corporation is authorized to practice;

(2) the trustee of a trust ~~which that~~ is a qualified trust under ~~subsection (a) of~~ section 401(a) of the federal internal revenue code, as in effect on January 1, 2004, or of a contribution plan ~~which that~~ is a qualified employee stock ownership plan under ~~subsection (a) of~~ section 409A(a) of the federal internal revenue code, as in effect on January 1, 2004; ~~or~~

(3) the trustee of a revocable living trust established by a natural person who is licensed, registered or certified to practice the type of profession ~~which that~~ any professional corporation is authorized to practice, if the terms of such trust provide that such natural person is the principal beneficiary and sole trustee of such trust and such trust does not continue to hold title to professional corporation stock following such natural person's death for more than a reasonable period of time necessary to dispose of such stock; *or*

*(4) a healing arts school clinic authorized to perform professional services in accordance with K.S.A. 65-2877a, and amendments thereto.*

Sec. 11. K.S.A. 2019 Supp. 17-7668 is hereby amended to read as follows: 17-7668. (a) Unless otherwise specifically prohibited by law, a limited liability company may carry on any lawful business, purpose or activity, whether or not for profit with the exception of the business of granting policies of insurance, or assuming insurance risks or banking as defined in K.S.A. 9-702, and amendments thereto.

(b) A limited liability company shall possess and may exercise all the powers and privileges granted by this act or by any other law or by its operating agreement, together with any powers incidental thereto, including such powers and privileges as are necessary or convenient to the conduct, promotion or attainment of the business, purposes or activities of the limited liability company.

(c) A limited liability company organized and existing under the Kansas revised limited liability company act or otherwise qualified to do business in Kansas may have and exercise all powers ~~which that~~ may be exercised by a Kansas professional association or professional corporation under the professional corporation law of Kansas, including employment of professionals to practice a profession, which shall be limited to the practice of one profession, except as provided in K.S.A. 17-2710, and amendments thereto.

(d) Only a qualified person may be a member of a limited liability company organized to exercise powers of a professional association or professional corporation. No membership may be transferred to another person until there is presented to such limited liability company a certificate by the licensing body, as defined in K.S.A. 74-146, and amendments thereto, stating that the person to whom the transfer is made or the membership issued is duly licensed to render the same type of professional services as that for which the limited liability company was organized.

(e) As used in the section, "qualified person" means:

(1) Any natural person licensed to practice the same type of profession ~~which that~~ any professional association or professional corporation is authorized to practice;

(2) the trustee of a trust ~~which that~~ is a qualified trust under ~~subsection (a) of section 401(a) of the federal internal revenue code of 1986, as in effect; on July 1, 1999, or of a contribution plan~~ ~~which that~~ is a qualified employee stock ownership plan under ~~subsection (a) of section 409A(a) of the federal internal revenue code of 1986, as in effect; on July 1, 1999;~~

(3) the trustee of a revocable living trust established by a natural person who is licensed to practice the type of profession ~~which that~~ any professional association or professional corporation is authorized to practice, if the terms of such trust provide that such natural person is the principal beneficiary and sole trustee of such trust and such trust does not continue to hold title to membership in the limited liability company following such natural person's death for more than a reasonable period of time necessary to dispose of such membership;

(4) a Kansas professional corporation or foreign professional corporation in which at least one member or shareholder is authorized by a licensing body, as defined in K.S.A. 74-146, and amendments thereto, to render in this state a professional service permitted by the articles of organization; ~~or~~

(5) a general partnership or limited liability company, if all partners or members thereof are authorized to render the professional services permitted by the articles of organization of the limited liability company formed pursuant to this section and in which at least one partner or member is authorized by a licensing authority of this state to

render in this state the professional services permitted by the articles of organization of the limited liability company; or

(6) *a healing arts school clinic authorized to perform professional services in accordance with K.S.A. 65-2877a, and amendments thereto.*

(f) Nothing in this act shall restrict or limit in any manner the authority and duty of any licensing body, as defined in K.S.A. 74-146, and amendments thereto, for the licensing of individual persons rendering a professional service or the practice of the profession ~~which~~ *that* is within the jurisdiction of the licensing body, notwithstanding that the person is an officer, manager, member or employee of a limited liability company organized to exercise powers of a professional association or professional corporation. Each licensing body may adopt rules and regulations governing the practice of each profession as are necessary to enforce and comply with this act and the law applicable to each profession.

(g) A licensing body, as defined in K.S.A. 74-146, and amendments thereto, the attorney general or district or county attorney may bring an action in the name of the state of Kansas in quo warranto or injunction against a limited liability company engaging in the practice of a profession without complying with the provisions of this act.

(h) Notwithstanding any provision of this act to the contrary, without limiting the general powers enumerated in subsection (b), a limited liability company shall, subject to such standards and restrictions, if any, as are set forth in its operating agreement, have the power and authority to make contracts of guaranty and suretyship and enter into interest rate, basis, currency, hedge or other swap agreements or cap, floor, put, call, option, exchange or collar agreements, derivative agreements, or other agreements similar to any of the foregoing.

(i) Unless otherwise provided in an operating agreement, a limited liability company has the power and authority to grant, hold or exercise a power of attorney, including an irrevocable power of attorney.

Sec. 12. K.S.A. 65-2877a, as amended by section 5 of chapter 52 of the 2019 Session Laws of Kansas, is hereby amended to read as follows: 65-2877a. No provision of law prohibiting practice of the healing arts by a ~~general corporation~~ *business organization* shall apply to a healing arts school *clinic under the supervision of a person licensed to practice the same branch of the healing arts if such healing arts school is:*

(a) ~~Approved by the board if the healing arts school is;~~

(b) a non-profit entity under section 501(c)(3) of the internal revenue code of 1986, ~~is; and~~

(c) ~~approved by the state board of regents, and as part of its academic requirements provides clinical training to its students under the supervision of persons who are licensed to practice a branch of the healing arts in this state or exempt from such approval under K.S.A. 74-32,164, and amendments thereto.~~

Sec. 13. K.S.A. 72-3220 is hereby amended to read as follows: 72-3220. ~~(a) K.S.A. 72-3220 through 72-3224, and amendments thereto, and section 9, and amendments thereto, shall be known and may be cited as the Kansas challenge to secondary school pupils students act.~~

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

Sec. 14. K.S.A. 72-3221 is hereby amended to read as follows: 72-3221. ~~(a) The legislature hereby declares that secondary school pupils students should be challenged continuously in order to maintain their interests in the pursuit of education and skills critical to success in the modern world. Therefore, it is the purpose and intention of the Kansas~~

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

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

Sec. 15. K.S.A. 72-3222 is hereby amended to read as follows: 72-3222. As used in the Kansas challenge to secondary school ~~pupils~~ *students* act:

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

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

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

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

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

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

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

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

Sec. 16. K.S.A. 72-3223 is hereby amended to read as follows: 72-3223. (a) The board of education of any school district and any eligible postsecondary ~~education~~ *educational* institution may enter into a cooperative agreement regarding the *dual or concurrent* enrollment of ~~concurrent enrollment pupils~~ *students* in courses of instruction for college credit at the eligible postsecondary ~~education~~ *educational* institution. The agreement shall include, but need not be limited to, the following:

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

(2) the requirement that such course work qualify as credit

applicable toward the award of a degree or certificate at the institution;

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

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

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

Sec. 17. K.S.A. 72-3224 is hereby amended to read as follows: 72-3224. (a) ~~No school district shall be responsible for the payment of tuition charged to concurrent enrollment pupils by eligible education institutions or for the provision of transportation for such pupils~~ *Except as otherwise provided in K.S.A. 72-3223(b), and amendments thereto, each student dually or concurrently enrolled in an eligible postsecondary educational institution pursuant to K.S.A. 72-3220 et seq., and amendments thereto, shall be responsible for the payment of the negotiated tuition and related costs, including fees, books, materials and equipment, charged by such institution for the student's enrollment.*

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

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

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

(d) ~~The provisions of this section shall take effect and be in force from and after July 1, 1993~~ *In order to remain eligible for participation in the program, a student shall remain in good standing at the eligible*

*postsecondary educational institution or shall show satisfactory progress as determined by the school district.*

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

Sec. 18. K.S.A. 2019 Supp. 72-5179 is hereby amended to read as follows: 72-5179. (a) The state board of education shall provide the ACT college entrance exam and the three ACT workkeys assessments that are required to earn a national career readiness certificate to each student enrolled in grades 11 and 12, and the pre-ACT college entrance exam to each student enrolled in grade nine. No student shall be required to pay any fees or costs to take any such exam or assessments. The state board shall not be required to provide more than one exam and three assessments for each student. The state board of education may enter into any contracts that are necessary to promote statewide cost savings to administer such exams and assessments.

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

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

Sec. 19. K.S.A. 75-53,112 is hereby amended to read as follows: 75-53,112. As used in the Kansas foster child educational assistance act:

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

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

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

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

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

(c) "Kansas foster child educational assistance program" or "program" means the program established pursuant to the provisions of the Kansas foster child educational assistance act, which shall provide for: (1) Undergraduate enrollment of eligible foster children *pursuant to subsection (b)(1)(A)* through the semester the eligible foster child attains 23 years of age; or (2) *undergraduate enrollment of eligible*

*foster children pursuant to subsection (b)(1)(B) through the Kansas challenge to secondary schools act, K.S.A. 72-3220 et seq., and amendments thereto.*

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

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

Sec. 20. K.S.A. 65-2877a, as amended by section 5 of chapter 52 of the 2019 Session Laws of Kansas, 72-3220, 72-3221, 72-3222, 72-3223, 72-3224 and 75-53,112 and K.S.A. 2019 Supp. 17-2707, 17-7668 and 72-5179 are hereby repealed.

Sec. 21. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and was adopted by that body

\_\_\_\_\_  
HOUSE adopted  
Conference Committee Report \_\_\_\_\_

\_\_\_\_\_  
*Speaker of the House.*

\_\_\_\_\_  
*Chief Clerk of the House.*

Passed the SENATE  
as amended \_\_\_\_\_

SENATE adopted  
Conference Committee Report \_\_\_\_\_

\_\_\_\_\_  
*President of the Senate.*

\_\_\_\_\_  
*Secretary of the Senate.*

APPROVED \_\_\_\_\_

\_\_\_\_\_  
*Governor.*