

SENATE BILL No. 5

By Senators Baumgardner, Alley, Berger, Braun, Goddard, Hilderbrand, Lynn, Olson, Petersen, Rucker, Thompson and Tyson

6-3

1 AN ACT concerning education; creating the Kansas promise scholarship
2 act; requiring a Kansas foster care children annual academic report
3 card; authorizing the state board of regents on behalf of Kansas state
4 university to sell certain real property in Saline county; authorizing
5 school districts to pay tuition and fees for concurrent and dual
6 enrollment of students; requiring tuition waiver for dual or concurrently
7 enrolled foster students; authorizing the practice of the healing arts by
8 healing arts school clinics; providing ACT college entrance exams and
9 workkeys assessments to nonpublic school students; amending K.S.A.
10 65-2877a, as amended by section 5 of chapter 52 of the 2019 Session
11 Laws of Kansas, 72-3220, 72-3221, 72-3222, 72-3223, 72-3224 and
12 75-53,112 and K.S.A. 2019 Supp. 17-2707, 17-7668 and 72-5179 and
13 repealing the existing sections.

14

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

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

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

20 (1) "Eligible postsecondary educational institution" means:

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

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

24 (C) the Washburn institute of technology; or

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

29 (2) "Military servicemember" means the same as defined in K.S.A.
30 2019 Supp. 48-3406, and amendments thereto.

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

34 (b) On or before March 1, 2021, the state board of regents shall adopt
35 rules and regulations to implement and administer the Kansas promise

1 scholarship program. Such rules and regulations shall establish:

2 (1) Scholarship application deadlines;

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

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

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

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

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

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

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

29 (c) The state board of regents shall:

30 (1) Work with community partners, such as community foundations,
31 school districts, postsecondary educational institutions, Kansas business
32 and industry and Kansas economic development organizations to publicize
33 Kansas promise scholarships, including, but not limited to, publicizing
34 eligible postsecondary educational institutions, approved scholarship-
35 eligible educational programs, application procedures and application
36 deadlines;

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

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

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

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

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

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

11 New Sec. 3. (a) (1) During the fiscal year ending June 30, 2021, no
12 expenditures shall be made from the state general fund or any special
13 revenue fund or funds for the purposes of providing scholarships pursuant
14 to the Kansas promise scholarship program.

15 (2) Beginning with the fiscal year ending June 30, 2022, expenditures
16 for the purposes of providing scholarships pursuant to the Kansas promise
17 scholarship program shall be made in accordance with appropriation acts
18 or other acts of the legislature. The total amount expended for such
19 purposes in any such fiscal year shall not exceed \$10,000,000.

20 (3) Subject to appropriations, the amount of a Kansas promise
21 scholarship for a student for each semester shall be the aggregate amount
22 of tuition, required fees and the cost of books and required materials for
23 the educational program at the eligible postsecondary educational
24 institution for the academic year in which the student is enrolled and
25 receiving the scholarship minus the aggregate amount of all other aid
26 awarded to such student for such semester. Aid includes any grant,
27 scholarship or financial assistance awards that do not require repayment.

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

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

38 (1) Be a Kansas resident;

39 (2) be enrolled in grade 12 in an eligible high school, be a graduate of
40 a Kansas public or private secondary school, have been in the custody of
41 the secretary for children and families as a minor pursuant to the revised
42 Kansas code for care of children at any time while enrolled in any of the
43 grades six through 12 or have obtained a high school equivalency

1 certificate within the preceding 12 months. This paragraph shall not apply
2 to a student who is a dependent child of a military servicemember
3 permanently stationed in another state who graduates from a
4 postsecondary school or obtains a high school equivalency certificate
5 within the preceding 12 months;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (b) (1) Except as provided in subsection (c), if any student who
14 receives a Kansas promise scholarship fails to satisfy the requirements of a
15 Kansas promise scholarship agreement entered into pursuant to this
16 section, such student shall pay an amount equal to the total amount of
17 money received by such student pursuant to such agreement that is
18 financed by the state of Kansas plus accrued interest at a rate equivalent to
19 the interest rate applicable to loans made under the federal PLUS program
20 at the time such person first entered into an agreement. Installment
21 payments of such amounts may be made in accordance with rules and
22 regulations of the state board of regents. Such installment payments shall
23 begin six months after the date of the action or circumstances that cause
24 such student to fail to satisfy the requirements of a Kansas promise
25 scholarship agreement, as determined by the state board of regents upon
26 the circumstances of each individual case. All moneys received pursuant to
27 this subsection shall be remitted to the state treasurer in accordance with
28 the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt
29 of each such remittance, the state treasurer shall deposit the entire amount
30 in the state treasury to the credit of the state general fund.

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

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

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

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

43 (2) fails to satisfy the requirements for completion of the educational

- 1 requirements after making the best effort possible to do so;
2 (3) is unable to obtain employment and continue in such employment
3 after making the best effort possible to do so;
4 (4) is unable to satisfy the requirements due to permanent physical
5 disability; or
6 (5) dies.

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

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

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

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

41 (c) As used in this section:

- 42 (1) "Foster care student" means any individual who was in the
43 custody of the Kansas department for children and families at any time

1 when such student attended a school during the school year for which the
2 report required pursuant to this section is to be completed.

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

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

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

21 (c) No conveyance of real estate authorized by this section shall be
22 made or accepted by the state board of regents until the deeds, titles and
23 conveyances have been reviewed and approved by the attorney general. In
24 the event that the state board of regents determines that the legal
25 description of the real estate described in this section is incorrect, the state
26 board of regents may convey the property utilizing the correct legal
27 description, but the deed conveying the property shall be subject to the
28 approval of the attorney general. The conveyance authorized by this
29 section shall not be subject to the provisions of K.S.A. 75-3043a or 75-
30 6609, and amendments thereto.

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

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

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

42 (3) the tuition rate charged for students compared to the tuition rate
43 charged to individuals who are regularly enrolled and attending the eligible

1 postsecondary educational institution; and

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

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

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

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

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

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

1 (27) a licensed speech-pathologist; and

2 (28) a licensed naturopathic doctor.

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

7 (d) "Qualified person" means:

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

11 (2) the trustee of a trust ~~which~~ *that* is a qualified trust under
12 ~~subsection (a) of section 401(a) of the federal internal revenue code, as in~~
13 ~~effect on January 1, 2004, or of a contribution plan~~ ~~which~~ *that* is a
14 qualified employee stock ownership plan under ~~subsection (a) of section~~
15 ~~409A(a) of the federal internal revenue code, as in effect on January 1,~~
16 ~~2004;~~ ~~or~~

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

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

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

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

39 (c) A limited liability company organized and existing under the
40 Kansas revised limited liability company act or otherwise qualified to do
41 business in Kansas may have and exercise all powers ~~which~~ *that* may be
42 exercised by a Kansas professional association or professional corporation
43 under the professional corporation law of Kansas, including employment

1 of professionals to practice a profession, which shall be limited to the
2 practice of one profession, except as provided in K.S.A. 17-2710, and
3 amendments thereto.

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

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

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

17 (2) the trustee of a trust ~~which~~ *that* is a qualified trust under
18 ~~subsection (a) of section 401(a) of the federal internal revenue code of~~
19 1986, as in effect; on July 1, 1999, or of a contribution plan ~~which~~ *that* is a
20 qualified employee stock ownership plan under ~~subsection (a) of section~~
21 409A(a) of the federal internal revenue code of 1986, as in effect; on July
22 1, 1999;

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

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

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

43 (6) *a healing arts school clinic authorized to perform professional*

1 *services in accordance with K.S.A. 65-2877a, and amendments thereto.*

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

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

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

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

28 Sec. 12. K.S.A. 65-2877a, as amended by section 5 of chapter 52 of
29 the 2019 Session Laws of Kansas, is hereby amended to read as follows:
30 65-2877a. No provision of law prohibiting practice of the healing arts by a
31 ~~general corporation~~ *business organization* shall apply to a healing arts
32 school *clinic under the supervision of a person licensed to practice the*
33 *same branch of the healing arts if such healing arts school is:*

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

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

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

42 Sec. 13. K.S.A. 72-3220 is hereby amended to read as follows: 72-
43 3220. ~~(a)~~ K.S.A. 72-3220 through 72-3224, and amendments thereto, *and*

1 *section 9, and amendments thereto*, shall be known and may be cited as the
 2 Kansas challenge to secondary school ~~pupils~~ *students* act.

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

5 Sec. 14. K.S.A. 72-3221 is hereby amended to read as follows: 72-
 6 3221. ~~(a)~~ The legislature hereby declares that secondary school ~~pupils~~
 7 *students* should be challenged continuously in order to maintain their
 8 interests in the pursuit of education and skills critical to success in the
 9 modern world. Therefore, it is the purpose and intention of the Kansas
 10 challenge to secondary school ~~pupils~~ *students* act to provide a means
 11 ~~whereby~~ *that* school districts, in cooperation with institutions of
 12 postsecondary education, may provide new and exciting challenges to
 13 secondary school ~~pupils~~ *students* by encouraging ~~them~~ *such students* to
 14 take full advantage of the wealth of postsecondary ~~education~~ *educational*
 15 opportunities available in this state.

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

18 Sec. 15. K.S.A. 72-3222 is hereby amended to read as follows: 72-
 19 3222. As used in the Kansas challenge to secondary school ~~pupils~~ *students*
 20 act:

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

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

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

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

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

42 (f) "Accredited independent institution" means ~~an~~ *a not-for-profit*
 43 institution of postsecondary education the main campus of which is

1 located in Kansas and ~~which that:~~ (1) Is operated independently and not
2 controlled or administered by any state agency or any subdivision of the
3 state; (2) maintains open enrollment; and (3) is accredited by ~~the north~~
4 ~~central association of colleges and secondary schools accrediting agency~~
5 ~~based on its requirements as of April 1, 1985~~ a nationally recognized
6 accrediting agency for higher education in the United States.

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

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

12 Sec. 16. K.S.A. 72-3223 is hereby amended to read as follows: 72-
13 3223. (a) The board of education of any school district and any eligible
14 postsecondary ~~education~~ educational institution may enter into a
15 cooperative agreement regarding the dual or concurrent enrollment of
16 ~~concurrent enrollment pupils~~ students in courses of instruction for college
17 credit at the eligible postsecondary ~~education~~ educational institution. The
18 agreement shall include, but need not be limited to, the following:

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

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

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

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

35 (b) ~~The provisions of this section shall take effect and be in force~~
36 ~~from and after July 1, 1993~~ The board of education of a school district, in
37 its discretion, may pay all or a portion of the negotiated amount of tuition
38 and related costs, including fees, books, materials and equipment, charged
39 by an eligible postsecondary educational institution for a student's
40 enrollment in such institution. As part of any agreement entered into
41 pursuant to this section, the board of education of a school district shall
42 not be required to pay any amount of tuition and required fees that are
43 waived for an eligible foster child pursuant to the foster child educational

1 assistance act, K.S.A. 75-53,111 et seq., and amendments thereto, except
2 that the board, in its discretion, may pay any related costs that are not
3 waived pursuant to such act, including fees, books, materials and
4 equipment, charged by an eligible postsecondary educational institution
5 for the student's enrollment in such institution. Any such payment shall be
6 paid directly to the eligible postsecondary educational institution and
7 shall be credited to such student's account.

8 Sec. 17. K.S.A. 72-3224 is hereby amended to read as follows: 72-
9 3224. (a) ~~No school district shall be responsible for the payment of tuition~~
10 ~~charged to concurrent enrollment pupils by eligible education institutions~~
11 ~~or for the provision of transportation for such pupils~~ Except as otherwise
12 provided in K.S.A. 72-3223(b), and amendments thereto, each student
13 dually or concurrently enrolled in an eligible postsecondary educational
14 institution pursuant to K.S.A. 72-3220 et seq., and amendments thereto,
15 shall be responsible for the payment of the negotiated tuition and related
16 costs, including fees, books, materials and equipment, charged by such
17 institution for the student's enrollment.

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

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

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

33 ~~(d) The provisions of this section shall take effect and be in foree-~~
34 ~~from and after July 1, 1993~~ In order to remain eligible for participation in
35 the program, a student shall remain in good standing at the eligible
36 postsecondary educational institution or shall show satisfactory progress
37 as determined by the school district.

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

43 Sec. 18. K.S.A. 2019 Supp. 72-5179 is hereby amended to read as

1 follows: 72-5179. (a) The state board of education shall provide the ACT
2 college entrance exam and the three ACT workkeys assessments that are
3 required to earn a national career readiness certificate to each student
4 enrolled in grades 11 and 12, and the pre-ACT college entrance exam to
5 each student enrolled in grade nine. No student shall be required to pay
6 any fees or costs to take any such exam or assessments. The state board
7 shall not be required to provide more than one exam and three assessments
8 for each student. The state board of education may enter into any contracts
9 that are necessary to promote statewide cost savings to administer such
10 exams and assessments.

11 (b) *On or before the first day of the regular legislative session in*
12 *2021, and each year thereafter, the state board of education shall prepare*
13 *and submit a report to the senate standing committee on education and the*
14 *house standing committee on education that includes aggregate exam and*
15 *assessment data for all students who were provided the exams and*
16 *assessments pursuant to this section.*

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

20 Sec. 19. K.S.A. 75-53,112 is hereby amended to read as follows: 75-
21 53,112. As used in the Kansas foster child educational assistance act:

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

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

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

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

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

42 (c) "Kansas foster child educational assistance program" or
43 "program" means the program established pursuant to the provisions of the

1 Kansas foster child educational assistance act, which shall provide for: (1)
2 Undergraduate enrollment of eligible foster children *pursuant to*
3 *subsection (b)(1)(A) through the semester the eligible foster child attains*
4 *23 years of age; or (2) undergraduate enrollment of eligible foster*
5 *children pursuant to subsection (b)(1)(B) through the Kansas challenge to*
6 *secondary schools act, K.S.A. 72-3220 et seq., and amendments thereto.*

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

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

12 Sec. 20. K.S.A. 65-2877a, as amended by section 5 of chapter 52 of
13 the 2019 Session Laws of Kansas, 72-3220, 72-3221, 72-3222, 72-3223,
14 72-3224 and 75-53,112 and K.S.A. 2019 Supp. 17-2707, 17-7668 and 72-
15 5179 are hereby repealed.

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