

SESSION OF 2021

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2134**

As Agreed to May 6, 2021

Brief*

HB 2134 would make appropriations for the Kansas State Department of Education (KSDE) for FY 2021, FY 2022, and FY 2023; limit remote learning hours based on emergency circumstances of the individual student and school district; provide a different calculation for school finance related to remote learning; direct school districts to use needs assessment to ensure improvement in student academic achievement; amend the Kansas Challenge to Secondary School Students Act as it relates to dual and concurrent enrollment; amend law regarding the providing of the ACT, pre-ACT, and WorkKeys assessment to Kansas students; expand the Tax Credit for Low Income Students Scholarship Program; and direct KSDE to collaborate with the Department for Children and Families (DCF) to create a Kansas foster care children annual academic report card.

The bill would also make technical changes.

The bill would be in effect upon publication in the *Kansas Register*.

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

***Appropriations for FY 2021, FY 2022, and FY 2023—
Kansas State Department of Education***

FY 2021 (Section 1)

The bill would modify the State General Fund (SGF) appropriation, in FY 2021, for KSDE. The bill would authorize the following moneys appropriated from the SGF be lapsed in FY 2021:

- \$2.0 million for the Kansas Public Employees Retirement System (KPERs) non-Unified School Districts (USDs);
- \$6.9 million for the KPERs-USDs;
- \$1.2 million for the Mental Health Intervention Team (MHIT) Pilot Program;
- Any unencumbered balance in the Education Super Highway Account;
- \$782,064 for the School District Juvenile Detention Facilities and Flint Hills Job Corps Center Grants;
- \$140,755 for the Governor's Teaching Excellence Scholarships and Awards; and
- \$18.9 million for State Foundation Aid.

FY 2022 (Section 2)

The bill would appropriate \$5.8 billion, including \$4.2 billion SGF, for FY 2022 for KSDE. This would include \$5.2 billion, including \$4.1 billion SGF, for the major categories of school finance and KPERs-USDs and KPERs-non-USDs. Appropriations from the SGF would include:

- \$14.1 million for operating expenditures;
- \$41.9 million for KPERS-non-USDs;
- \$538.0 million for KPERS-USDs;
- \$25.8 million for KPERS layering payments;
- \$2.8 million for the ACT and WorkKeys Assessments Program;
- \$7.5 million for the MHIT Pilot Program;
- \$67,700 for the Education Commission of the States dues;
- \$10,000 for the School Safety Hotline;
- \$5.1 million for the School District Juvenile Detention Facilities and Flint Hills Job Corps Center Grants;
- \$2.5 million for School Food Assistance;
- \$1.3 million for the Mentor Teacher Program;
- \$110,000 for Educable Deaf-blind and Severely Handicapped Children's Programs Aid;
- \$512.9 million for Special Education Services Aid; and
- \$2.4 million for Supplemental State Aid.

The bill would also appropriate funding from several no limit special revenue funds, including federal funds and fee funds. The bill would appropriate the following from the Children's Initiatives Fund (CIF):

- \$375,000 from the Children's Cabinet Accountability Fund;

- \$18.1 million for CIF Grants;
- \$500,000 for Quality Initiative Infants and Toddlers;
- \$50,000 for Early Childhood Block Grant Autism Diagnosis;
- \$8.4 million for the Parent Education Program (also known as Parents as Teachers);
- \$1.0 million for Communities Aligned in Early Development and Education; and
- \$4.2 million the Pre-K Pilot Program.

The bill would also provide for the following transfers:

- \$50,000 from the Family and Children Investment Fund to the Communities in Schools Program Fund;
- \$550,000 on March 30, 2022, and June 30, 2022, from the State Safety Fund to the SGF to reimburse costs associated with services provided by other state agencies on behalf of the KSDE;
- \$73,750, quarterly, from the State Highway Fund of the Department of Transportation to the School Bus Safety Fund of the KSDE;
- An amount certified by the Commissioner of Education from the Motorcycle Safety Fund of KSDE to the Motorcycle Safety Fund of the Kansas Board of Regents, to cover costs of driver's license programs conducted by community colleges; and
- \$70,000 from the Universal Service Administrative Company E-rate program federal fund in Kansas Board of Regents to the Education Technology Coordinator Fund of the KSDE.

Other appropriations, lapses, and transfers in FY 2022. The bill would appropriate \$260,535 from the Kansas Endowment for Youth Fund for the Children’s Cabinet administration.

The bill would also allow the Commissioner of Education to transfer any part of an appropriation from the SGF to another SGF appropriation in the KSDE.

The bill would appropriate \$41.1 million from the Expanded Lottery Act Revenues Fund for KPERS-non-USDs.

The bill would lapse \$3.3 million of the \$2.4 billion appropriated from the SGF for State Foundation Aid for FY 2022.

The bill would direct KSDE to expend \$5.0 million for School Safety and Security Grants, \$3.9 million for expanding the MHIT Pilot Program, and \$100,000 for the Communities in Schools program, all from federal funds received under federal COVID-19-related legislation, unless the program would not qualify for the federal funds.

The bill would further state its recommendation that school districts provide additional compensation, of up to \$500, to classroom teachers, paras, and other school district hourly employees from federal moneys received under federal COVID-19-related legislation for extra duties performed during the pandemic. The bill would define “classroom teacher” as any person holding a certificate to teach who is under a full-time contract to teach, or who is under a contract to teach full-time but who does so *via* a licensure waiver. “Classroom teacher” would not include any superintendent, assistant superintendent, supervisor, or principal employed under the school district board of education powers and duties, student teachers, paraprofessionals, and any other person employed by a board of education.

The bill would also direct KSDE to expend \$80,000, all from federal funds received under COVID-19-related legislation, unless the grant would not qualify, and then from SGF, for the Center for Reading Project Manager(s) grant for FY 2022. The bill would require such Project Manager(s) to assist in the development and support of a Science of Reading curricula for Kansas Board of Regents institutions based on the Knowledge and Practice Standards set by KSDE. The Project Manager(s) would also develop and support resources for school districts, including a textbook, professional development, and a list of qualified trainers.

FY 2023 (Section 3)

The bill would appropriate from the SGF for FY 2023 \$2.5 billion for State Foundation Aid and \$534.1 million for Supplemental State Aid. The bill would also authorize expenditures from the State School District Finance Fund and the Mineral Production Education Fund.

Foster Care Report Card (New Section 4)

The bill would require KSDE and DCF to collaborate to create an annual foster care report card, which would be submitted to the Legislature. The bill would require the report card to include the following information for children in foster care:

- Graduation rate;
- State standardized assessment scores;
- Total and disaggregated numbers enrolled in a school district or accredited nonpublic school;
- De-identified disaggregated race and ethnic data for specific data sets;

- Additional data elements deemed appropriate by the KSDE and DCF; and
- Number and percentage of students in foster care who:
 - Were promoted to the next grade level;
 - Were suspended (including duration);
 - Were expelled;
 - Are meeting academic standards;
 - Are enrolled in preschool aged at-risk programs, preschool pilot program, or early childhood special education program; and
 - Participated in the mental health intervention team pilot program or similar mental health program.

The bill would require the report card be completed on or before January 15 each year and submitted to the Senate Standing Committee on Education and the House of Representatives Standing Committee on Education.

The bill would define “school” as any school within a school district or nonpublic school accredited by the state and “student in foster care” as an individual within the custody of DCF while attending school at any point during a school year in which the report card is required to be completed.

At-Risk Services (Section 5)

The bill would define students as at-risk and eligible for Programs and Services, as permitted under Sections 20-22 of the bill, if the student meets one or more of the following criteria:

- Not working at academic grade level;
- Not meeting requirements for promotion to the next grade level or is failing subjects or courses of study;
- Not meeting requirements for graduation from high school or has the potential to drop out of school;
- Has insufficient mastery of skills or is not meeting state standards;
- Has been retained;
- Has high rate of absenteeism;
- Has repeated suspensions or expulsions from school;
- Is homeless or migrant;
- Is identified as an English language learner;
- Has social-emotional needs causing the student to be unsuccessful in school; or
- Is identified as a student with dyslexia or has characteristics of dyslexia.

The bill would specify that this section would take effect on July 1, 2021.

Remote Learning and Waivers (New Sections 6 and 9)

Remote Learning and Enrollment (New Section 6)

The bill would provide no school district, beginning in school year 2022, shall provide or offer more than 40 hours of remote learning to any student enrolled in the school district. The bill would allow boards of education to authorize individual students to temporarily attend school through remote learning in excess of the 40 hour limitation when the student cannot reasonably attend in-person due to illness, injury, or other extraordinary circumstance. The bill would also allow the Kansas State Board of Education (State Board) to authorize a school district to provide remote learning in excess of 40 hours in the following circumstances:

- Upon the school district's application certifying that due to disaster, conditions resulting from widespread or severe property damage caused by the disaster, or other condition restricting the operation of the school for an inordinate period of time and a determination by the State Board that the school district cannot comply with such restriction without conducting up to 240 school term hours *via* remote learning; or
- Upon the school district's application for a waiver that certifies widespread or severe property damage restricting the operation of the school and a determination by the State Board that the school district cannot comply with this restriction without conducting remote learning beyond 240 school term hours.

The bill would amend law to define any student who attends school through remote learning in excess of the 240 school term hour limitation as a "remote learning student".

The bill would require each school district that offers remote learning, on or before June 30 of each school year, to determine the remote enrollment of the district based on the number of remotely enrolled students and for the clerk or superintendent of that school district to certify to the State Board a report showing remote enrollment by the grades of the schools in that school district.

The bill would require the State Board to determine the number of remotely enrolled students by school district, provide remote enrollment state aid of \$5,000 per remotely enrolled student, and notify each school district of the amount of remote enrollment state aid. The bill would not provide remote enrollment state aid for students enrolled part-time in remote learning during the school day. The bill would also require the State Board to require each such school district return any payment over \$5,000 (an overpayment) in the current school year for such students, or to deduct the excess amounts over \$5,000 to be paid to the school district from future payments to be made to the school district.

The bill would specify that a remotely enrolled student is not included in the adjusted enrollment of the school district for the current school year.

The bill would require each school district that determines remote enrollment for the purposes of this section submit any requested documentation or information to the State Board.

The bill would provide, if a school district is granted a waiver due to disaster by the State Board, the remote learning hour limitations would not apply and the school district shall not be required to determine remote enrollment and the State Board shall not be required to adjust the school district's funding.

The bill would specify that this section take effect beginning July 1, 2021.

Waiver (Section 9)

The bill would allow the waiver relating to requirements for the duration of a school term in any school year to be granted upon the following criteria being met:

- Certification by a board of education that conditions restricting the operation of public schools for an inordinate period of time exist due to a disaster; and
- Determination by the State Board that the school district cannot reasonably adjust its schedule to comply with the law; and

The bill would define “disaster” as the occurrence of any widespread or severe damage, injury, or loss of life or property resulting from natural or man-made causes.

*Kansas Challenge to Secondary School Students Act
(New Sections 7, 10-14, and 24)*

*(Kansas Challenge Act) Reporting Requirements (New
Sections 7)*

The bill would require each postsecondary institution that accepts students for concurrent or dual enrollment to submit a report to the Kansas Board of Regents. The bill would require the report to include, but not be limited to, the following:

- The number of students from each school district enrolled in the postsecondary institution, including the number of students in foster care;
- The number of students who successfully complete the courses in which they are enrolled;

- The tuition rate charged for concurrently or dually enrolled students compared to the tuition rate charged regularly enrolled students; and
- The portion of costs for concurrent and dual enrollment being paid by school districts.

The Kansas Board of Regents would be required to compile and prepare a summary report that is to be submitted to the House Committee on Education and Senate Committee on Education on or before February 15 of each year.

The bill would specify that this section would take effect on July 1, 2021.

Citation and Purpose (Sections 10-11)

The bill would state the purpose of the Kansas Challenge Act is to provide the means to school districts to encourage secondary students take advantage of all educational opportunities in Kansas. The bill would make a technical change to the naming of the act.

Student Eligibility and Other Definitions (Section 12)

The bill would amend the definition of “student” in the Kansas Challenge to Secondary School Students Act (Kansas Challenge Act) to require a student to have an individualized plan of study or an individualized education program. The new definition of student would be a person:

- Enrolled in grades 10, 11, or 12 in a school district, or a gifted student enrolled in grades 9, 10, 11, or 12;
- With an individualized plan of study or an individualized education program;

- Who has demonstrated the ability to benefit from participation in the regular curricula of a postsecondary institution;
- Who has been authorized by their principal to apply for enrollment at a postsecondary institution; and
- Is acceptable or has been accepted for enrollment at a postsecondary educational institution.

The bill would also define “eligible postsecondary educational institution,” “state education institution,” “community college,” “municipal university,” “technical college,” and “gifted student.”

The bill would amend the definition of “accredited independent institution” in the Kansas Challenge Act to include only not-for-profit postsecondary institutions and to specify the institution must be accredited by a nationally recognized accrediting agency.

*Authority of School Districts, and Notification Requirements
(Sections 13 and 14)*

The bill would allow school districts, at the discretion of the local board of education, to pay tuition, fees, books, materials, and equipment for any high school student who is concurrently or dually enrolled at a postsecondary educational institution (postsecondary institution). The bill would authorize a local board of education to pay all or a portion of those costs. The bill would require any such payment to be paid directly to the postsecondary institution by the school district. Students or their families would be required to pay any portion of the costs not covered by the school district. School districts would also be authorized to provide transportation for concurrently or dually enrolled students.

The bill would require postsecondary institutions to notify a student or a student's parent or guardian if the course in which a student is enrolled is not eligible for a systemwide transfer of college credit, to another in-state postsecondary educational institution, as determined by the State Board of Regents.

The bill would require school districts to grant high school credit to concurrently or dually enrolled students who satisfactorily complete course work at a postsecondary institution.

The bill would prohibit school districts from paying for technical education courses that are part of the Excel in Career Technical Education program (also known as SB 155 courses) administered by the State Board of Regents.

In order to remain eligible for participation, the bill would require students to remain in good standing at the postsecondary institution in which they are enrolled or show satisfactory progress as determined by their school district.

Using Needs-Assessment in Budget Process (Section 8)

The bill would amend law requiring the board of education of each school district to conduct an assessment of the educational needs of each school in the district and requiring the information from the needs assessment to be used when preparing the school district's budget. The bill would require the information obtained from the needs assessments to be used to ensure improvement in student academic performance. The bill also would require school district budgets to allocate sufficient moneys in a manner reasonably calculated to ensure all students achieve the "Rose capacities," which are codified in KSA 72-3218(c).

***Tax Credit for Low Income Students Scholarship
Program (Sections 15, 16, and 22)***

The bill would expand the Tax Credit for Low Income Students Scholarship Program by amending the Tax Credit for Low Income Students Scholarship Program provisions relating to student eligibility requirements, school eligibility requirements, and reporting requirements.

***Student Eligibility for the Tax Credit for Low Income Students
Scholarship Program (Section 15)***

The bill would amend the Tax Credit for Low Income Students Scholarship Program to expand student eligibility in two ways.

First, the bill would amend the definition of “eligible student” to include students who are eligible for free or reduced-priced meals under the National School Lunch Program. Current law limits eligibility to students who are eligible for free meals. Continuing law requires the student to also reside in Kansas and be enrolled in a public school or eligible to enroll in a public school.

Second, the bill would amend the definition of “public school” to be any school operated by a unified school district in Kansas. Current law defining public school limits eligibility to those students enrolled or eligible to be enrolled in the lowest 100 performing elementary schools, as identified by the State Board.

The bill would limit student eligibility for first time applicants to students enrolled in kindergarten through grade eight.

*Publication of Accountability Reports; Technical Amendments
(Section 16)*

The bill would require the websites of accredited nonpublic schools participating in the Tax Credit for Low Income Students Scholarship Program to include a prominent link to KSDE's website where the one-page accountability reports are published.

The bill would also make technical amendments to and retain two provisions in current law. The first provision allows any student who has previously received a scholarship under the Tax Credit for Low Income Students Scholarship Program and has not graduated high school or is not 21 years old to remain eligible for the Tax Credit for Low Income Students Scholarship Program.

The second provision includes in the definition of qualified school that the school is accredited by the State Board or a national or regional accrediting agency that is recognized by the State Board for the purpose of satisfying the teaching performance assessment for professional licensure.

Accountability Reports (Section 22)

The bill would require KSDE to prepare one-page accountability reports for all accredited nonpublic schools in the state. The bill would also require KSDE to include accredited nonpublic schools in the longitudinal achievement report submitted to the Governor and Legislature each year.

Kansas School Finance (Sections 17-19)

Update to Citation of Act (Section 17)

The bill would amend the Kansas School Equity and Enhancement Act (KSEEA) to include Section 6 of the bill, which relates to the calculation of remote enrollment state aid.

Definitions—KSEEA (Section 18)

The bill would amend the definitions of “adjusted enrollment” and “enrollment” to exclude remote enrollment as determined under Section 6 of the bill.

The bill would define “remote enrollment” and “remote learning” as follows:

- “Remote enrollment” would mean the number of students regularly enrolled in a school district who attended school *via* remote learning as outlined in Section 6; and
- “Remote learning” would mean a method of providing education in which a student regularly enrolled in a school district, does not physically attend the attendance center where the student would otherwise attend in person on a full-time basis, and the instruction is prepared, provided, and supervised by teachers and staff of such school district to replace the instruction that would have occurred in the attendance center classroom. This definition would not include virtual school as defined in the the Virtual School Aid Act.

These definitions would not apply to any school year prior to the 2021-2022 school year.

The bill would amend the calculation of one student to include a student enrolled in the school district attending school part-time *via* remote learning and part-time in-person to the nearest tenth of the student's proportion of in-person attendance to full-time attendance. The bill would not count as a student any remotely enrolled students.

At-Risk and High-Density At-Risk Weighting (Section 19)

The bill would amend law regarding the at-risk and high-density weighting by removing the improvement requirements and provide if a district does not spend the funds on best practices, then the district must repay such moneys to the district's At-risk Education Fund. The State Board would be required to notify the House and Senate standing committees on Education on or before January 15 each year of any school districts repaying the funds in this manner and the amounts each district repaid the preceding school year.

The bill would extend the high-density at-risk weighting through June 30, 2024.

The bill states the purpose of the at-risk and high density at-risk student weightings is to provide eligible students with evidence based, at-risk programs and services (Programs and Services) in addition to their regular instructional services.

The bill would also require the portion of State Foundation Aid attributable to the at-risk and high density at-risk student weightings to be transferred by each district to the district's own At-risk Education Fund.

***At-Risk and High-Density At-Risk Weighting Fund
Expenditures (Sections 20-21)***

At-risk Educational Programs and Services

The bill would require the State Board to require school districts to implement Programs and Services using the at-risk best practices identified in current law to assist eligible students in achieving educational outcome goals. The State Board would be required to provide a list of approved Programs and Services to each district, and KSDE would be required to publish the list on its website with a link prominently displayed on its homepage.

The bill would amend eligible expenditures from a district's At-risk Education Fund to include only the following:

- At-risk and provisional at-risk programs (amended by the bill to include and provisional at-risk programs);
- Personnel providing educational services in conjunction with such programs (current law);
- Support for instructional classroom personnel designed to provide training for evidence-based best practices for at-risk educational programs (new); or
- Services contracted for by the school district to provide at-risk and provisional at-risk educational programs (amended to include at-risk and provisional programs and removing a reference to best practices).

The bill would define an "at-risk educational program" as an at-risk program or service identified and approved by the State Board as an evidence-based best practice. A "provisional at-risk educational program" (provisional

program) would be defined as an evidence-based at-risk education program or service identified or developed by a district as producing or likely to produce measurable success and has been submitted to the State Board for review.

The bill would limit expenditures from a district's At-risk Education Fund to those programs or services included on the list approved by the State Board unless the program is a provisional program.

A provisional program could only be funded for a maximum of three years unless approved by the State Board and included on the list of approved programs.

The bill also would state the delivery of Programs and Services by a district may occur, but is not limited to, the following:

- Extended school year;
- Before-school programs and services;
- After-school programs and services;
- Summer school;
- Extra support within a class;
- Tutorial assistance; and
- Class within a class.

Expenditure of High Density At-risk Funding on Ineligible Activities

Current law states that if a district does not expend its high density at-risk weighting funds on best practices, it must show improvement within five years through either percentages of students at grade level on state assessments, college and career-ready on state assessments, average composite ACT score, or four-year graduation rate, or it would be disqualified from receiving the high-density at-risk student weighting in the succeeding school year.

If a district does not spend money on such best practices for three consecutive years, the bill would make the district ineligible to continue receiving the high density at-risk weighting.

Reporting Requirements

The bill would clarify continuing law the reports each district must file with the State Board on the at-risk and provisional programs and services offered by the district. The bill would update the required information to be included in the reports:

- Number of students identified as eligible to receive at-risk or provisional programs and services who were served or provided assistance;
- Type of at-risk and provisional at-risk programs and services provided, including the number of students assisted under approved programs;
- Data and research utilized by the district to determine what programs and services were needed;
- Other information required by the State Board; and
- Longitudinal performance of students continuously receiving Programs and Services and may include data regarding:
 - State assessment scores;
 - Kansas English language proficiency assessment results;
 - Four-year graduation rates;
 - Progress monitoring;
 - Norm-referenced test results;
 - Criterion-based test results;

- Individualized education program goals; or
- Attendance and average ACT composite scores.

Audit Requirements (Section 21)

The bill would require a performance audit of at-risk education expenditures by the Legislative Division of Post Audit. The audit would evaluate the following:

- How districts are expending at-risk education funds;
- Whether expenditures comply with statutory provisions;
- Whether the State Board and KSDE are acting in accordance with statutory provisions regarding at-risk expenditures and programs; and
- Trends in academic outcomes of students receiving Programs and Services.

The audit would be conducted during calendar year 2023, and the final report provided to the Legislature on or before January 15, 2024.

ACT, Pre-ACT, and WorkKeys Assessments (Section 23)

Notification

The bill would require the KSDE and each school district to annually publish on their websites the times, dates, and locations of all pre-ACT, ACT, and ACT Workkey examinations being offered in the state.

Participation

The bill would include clarification that all participation in the pre-ACT, ACT, and ACT Workkeys examinations would be optional to students and that nothing in the bill should be construed as requiring students to participate in the examinations.

The bill would also define an “eligible student” as any person who is regularly enrolled in any public school or accredited private school.

Reporting Requirement

The bill would require the State Board to prepare and submit a report to the House and Senate standing committees on Education on or before the first day of each regular, legislative session regarding aggregate exam and assessment data for all students who took the exams pursuant to this section.

Kansas Challenge Act Tuition Waiver for Foster Care Students (Section 24)

The bill would expand the Kansas Foster Child Educational Assistance program to provide a tuition waiver for foster care students who are concurrently or dually enrolled in a postsecondary institution. In addition, school districts would be authorized to pay for any costs that are not waived, including for fees, books, materials, and equipment.

The definition of “eligible foster child” would be clarified to also mean a student, as defined by provisions of this bill, who has been in the custody of the Secretary for Children and Families and in foster care placement at any time the child was enrolled in grades 9 through 12.

Conference Committee Action

As it entered conference, HB 2134 would have codified the National Association of Insurance Commissioners Credit for Reinsurance Model Regulation into statute, amended the Kansas credit for reinsurance statute, and added definitions and requirements to the Insurance Holding Company Act. [Note: Contents pertaining to the original version of HB 2134 were inserted into House Sub. for SB 78, as recommended by the House Committee on Insurance and Pensions. A Conference Committee Report for that bill is pending adoption.]

The Conference Committee agreed to replace the contents of HB 2134, as amended by the Senate Committee on Financial Institutions and Insurance, with the appropriations for KSDE for FY 2021, FY 2022, and FY 2023 and the contents and provisions from the following bills:

- The contents from SB 32 regarding dual and concurrent enrollment;
- The contents of SB 51 regarding the creation and reporting of the foster care report card;
- The contents of SB 63, as amended by the Conference Committee, regarding providing free ACT, pre-ACT, and WorkKeys examinations to all Kansas students except those enrolled at nonaccredited schools;
- The contents of HB 2067 regarding the use of needs-assessments to ensure school districts allocate sufficient funding to improve academic achievement;
- Language similar to the provisions in SB 173 regarding at-risk services and the high-density at-risk weighting;

- Provisions from SB 175, as amended by the Conference Committee, regarding the Legislature's recommendation that school districts allocate additional compensation from federal funds received under federal COVID-19-related legislation for teachers, paras, and other hourly employees hired for school years 2020 through 2022;
- Provisions from SB 175 regarding the appropriation of federal funds received under federal COVID-19-related legislation for Safe and Secure Schools, the Mental Health Intervention Team Pilot Program, and Communities in Schools;
- Provisions from SB 175, as amended by the Conference Committee, regarding remote learning and remote learning funding;
- Language appropriating funding from federal funds received under federal COVID-19-related legislation, or if it does not qualify, from SGF, for a dyslexia position at the Center for Reading for FY 2022; and
- The contents of HB 2068, as amended by the Conference Committee, regarding the Tax Credit for the Low Income Students Scholarship Program.

The Conference Committee also inserted provisions regarding the use of remote learning methods by schools and their integration into the school funding formula and the creation of an \$80,000 grant for the Center for Reading Manager position at Pittsburg State University.

Background

HB 2134, as amended by Conference Committee action, pertains to school finance and education topics.

[*Note*: In the background information for each bill below, amendments that were retained or modified and included in the Conference Committee agreement are noted.]

SB 32 (Dual and Concurrent Enrollment)

SB 32 was introduced by the Senate Committee on Education at the request of the Kansas Board of Regents. [*Note*: SB 32 is similar to 2020 Sub. for SB 335, as passed by the Senate.]

Senate Committee on Education

In the Senate Committee hearing, **proponent** testimony was provided by representatives of the Kansas Association of Community College Trustees, the Kansas Association of School Boards, the Kansas Board of Regents, Unified School District (USD) 259 (Wichita), and the Wichita Chamber of Commerce. Written-only **proponent** testimony was provided by representatives of the Kansas Chamber, the Kansas Independent College Association, and the Kansas State Board of Education.

Neutral written-only testimony was provided by a representative of the Kansas Department for Children and Families.

No **opponent** testimony was provided.

The Senate Committee amended the bill to clarify that notification must only be made to students and parents of a courses credits not transferring if the failure to transfer would occur at an in-state institution. [*Note*: The Conference Committee retained this amendment.]

The Senate Committee also amended the bill to expressly exempt courses that receive funding or financial

assistance from KSA 72-3810. [*Note:* The Conference Committee retained this amendment.]

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on SB 32, as introduced, the Kansas Board of Regents states that the tuition waiver for foster care students would decrease tuition revenue at postsecondary institutions. However, it cannot estimate either the tuition revenue decrease or the fiscal effect of the estimated increase in dual enrollment courses.

The Kansas State Department of Education reports that enactment of the bill would have no impact of state aid to school districts. All fiscal impact would occur at the local level based upon the districts decisions. Any fiscal effect associated with the bill is not reflected in *The FY 2022 Governor's Budget Report*.

SB 51 (Foster Care Report Card)

SB 51 was introduced by the Senate Committee on Education at the request of Senator Baumgardner. [*Note:* The bill is identical to Section 7 of 2020 HB 2510 that was vetoed by the Governor and later implemented by Executive Order 20-53 (July 7, 2020).]

Senate Committee on Education

In the Senate Committee hearing, **proponent** testimony was provided by representatives of DCF, Kansas Appleseed Center for Law and Justice, and Kansas Association of School Boards. Written-only **proponent** testimony was provided by a representative of the Children's Alliance of Kansas. The proponents generally stated the Report Card will

help identify academic gaps among students in the foster care system so that the gaps can be addressed.

Written-only neutral testimony was provided by representatives of the State Board of Education (Board). The neutral testimony generally stated the Board sees value in the Report Card for helping students in foster care achieve greater academic success; however, it is not one of the Board's legislative priorities.

No **opponent** testimony was provided.

Fiscal Information

According to the fiscal note prepared by the Division of Budget on SB 51, the KSDE and DCF state the bill would have no fiscal impact on the agencies.

SB 63 (ACT, Pre-ACT, and WorkKeys Assessments)

SB 63 was introduced by the Senate Committee on Education at the request of Senator Baumgardner.

Senate Committee on Education

In the Senate Committee hearing, **proponent** testimony was provided by representatives of ACT, the Kansas Association of Community College Trustees, and the Kansas Catholic Conference. The proponents generally stated that the examinations are beneficial and that providing them at no cost to the student ensures no financial barrier exists to access them.

Written-only neutral testimony was provided by representatives of the State Board of Education (Board). The neutral conferees generally stated they were offering neutral

testimony because this was not one of the Board's legislative priorities.

Opponent testimony was provided by three private citizens. The opponents generally stated that they had concerns that the bill, as introduced, could force nonaccredited secondary schools to register with KSDE so they could be notified of dates when they do not need such notification. They also expressed data privacy concerns regarding the reporting requirements in the bill.

The Senate Committee adopted amendments to:

- Add school districts to those who must provide notice of the dates, times, and locations of the examinations [*Note*: The Conference Committee retained this amendment.];
- Change the form of notice to being published on the websites of KSDE and school districts [*Note*: The Conference Committee retained this amendment.]; and
- Clarify that participation was optional for all students [*Note*: The Conference Committee retained this amendment.].

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on SB 63 as introduced, KSDE states the bill could add \$300,000 to the annual cost of the department's contract with ACT. Any fiscal effect associated with the bill is not reflected in *The FY 2022 Governor's Budget Report*.

SB 173 (At-Risk Services)

SB 173 was introduced by the Senate Committee on Education at the request of Senator Baumgardner.

Senate Committee on Education

In the Senate Committee hearing, **proponent** testimony was provided by representatives of the Kansas Association of School Boards, Kansas National Education Association, Kansas Policy Institute, Kansas School Superintendents Association, and the United School Administrators of Kansas. Written-only **proponent** testimony was provided by the Kansas State Board of Education and the Topeka Public Schools (USD 501). The **proponents** generally stated the bill would provide stability regarding the high density at-risk student weighting and provides strong guidance for the expenditure of such funds while also maintaining flexibility to test new programs or services.

Neutral testimony was provided by a representative of the LPA. The neutral conferee generally stated that during LPA's audit, most of the reviewed at-risk funding was spent on teachers and programs that service all students rather than solely at-risk students. The conferee also stated LPA believed the sunset provision in law created a conflict with other provisions.

The Senate Committee adopted amendments to:

- Add "characteristics of dyslexia" to eligibility criteria for being identified as an at-risk student [*Note: The Conference Committee retained this amendment.*];
- Amend the consequence for failing to expend high-density at-risk funds on best practices to require repayment [*Note: The Conference Committee retained this amendment.*];
- Amend the time frame for disqualification of a district receiving high density at-risk weighting funding [*Note: The Conference Committee retained this amendment.*];

- Remove the sunset on high density at-risk weighting; [*Note*: The Conference Committee included this amendment and amended the date of the sunset.]; and
- Amend the dates for the audit to be conducted [*Note*: The Conference Committee retained this amendment.].

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on SB 173, as introduced, KSDE states the bill would not affect state aid payments to school districts. The LPA indicates the cost of the additional audit could be met within the agency's current budget and staffing levels.

Needs Assessment (HB 2067)

HB 2067 was introduced by the House Committee on K-12 Education Budget. [*Note*: HB 2067 is identical to SB 93, which was passed out by the Senate Committee on Education. HB 2067 was included in SB 175, as agreed to the Conference Committee.]

House Committee on K-12 Education Budget

In the House Committee hearing, **proponent** testimony was provided by a representative of the Kansas Policy Institute, who stated the focus of schools should be on instruction so that all students attain statutory educational goals.

Opponent testimony was provided by a representative of the Kansas Association of School Boards, stating that student achievement is not solely about the allocation of

resources and the bill does not consider that local needs differ.

No other testimony was provided.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on HB 2067, enactment of the bill would have no fiscal effect, as the bill requires a school district to allocate funding within its available resources.

HB 2068 (Tax Credit for Low Income Students Scholarship Program)

HB 2068 was introduced by the House Committee on K-12 Education Budget. [Note: A companion bill, SB 61, has been introduced in the Senate. HB 2068 is identical to 2020 HB 2465, as amended by the House Committee on K-12 Education Budget.]

House Committee on K-12 Education Budget

In the House Committee hearing on January 26, 2021, **proponent** testimony was presented by representatives of ACE Scholarships SGO, Kansas LLC; Catholic Education Foundation; EdChoice; Frontier Peace Advisors; Holy Savior Catholic Academy in the Catholic Diocese of Wichita; and Support for Catholic Schools; and a private citizen. Written-only proponent testimony was provided by representatives of Americans for Prosperity; Catholic Diocese of Wichita; ExcelinEd in Action; Kansas Catholic Conference; Kansas Policy Institute; Holy Family Catholic School (Topeka); Sacred Heart Cathedral Catholic School (Dodge City); St. Anne Catholic School (Wichita); and St. Patrick Catholic School (Wichita); and two private citizens. The proponents generally stated the changes would open the Program to more students

who may be struggling and better align the Program with similar programs in other states.

The **opponent** testimony was presented by representatives of Game On for Kansas Schools; Kansas Association of School Boards; Kansas Association of Special Education Administrators; Kansas PTA; Mainstream Coalition; Olathe Public Education Network; Pittsburg Community Schools; Shawnee Mission School District; and USA-Kansas and Kansas School Superintendents Association. Written-only opponent testimony was provided by representatives of Blue Valley Schools; Gardner Edgerton School District (USD 231); Goddard Public Schools (USD 265); Kansas Association of Special Education Administrators; Kansas City Kansas Public Schools; Kansas National Education Association; Olathe Public Schools (USD 233); Schools for Quality Education; Shawnee Mission School District; Spring Hill School District (USD 230); Stand Up Blue Valley; and the State Board; and a private citizen. The opponents generally stated the changes to the Program would draw funding away from public schools that must accept and educate every child, allow students to transfer from a better performing public school to a lower performing private school, and expand the Program beyond its usual intent to aid poorly performing, low-income students.

No neutral testimony was provided.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on HB 2068, the Department of Revenue (Department) cannot estimate the additional number of contributions to scholarship-granting organizations resulting from enactment of the bill, but stated any additional tax credits would reduce revenues to the State General Fund. The Department notes the maximum individual scholarship is \$8,000 per eligible student and the total amount of tax credits provided each year is capped at \$10.0 million. Any fiscal

effect associated with enactment of the bill is not reflected in
The FY 2022 Governor's Budget Report.

Education; appropriations; tax credit for low income students scholarship; at-risk services; dual enrollment; foster care report card; high-density at-risk weighting; remote learning; school finance; dyslexia

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