

SESSION OF 2021

**SUPPLEMENTAL NOTE ON HOUSE SUBSTITUTE FOR
SENATE BILL NO. 63**

As Recommended by House Committee on K-
12 Education Budget

Brief*

House Sub. for SB 63 would require all unified school districts in the State provide a full-time, in-person attendance option for all students enrolled in kindergarten through grade 12 beginning no later than March 31, 2021, for school year 2020-2021.

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

Background

House Sub. for SB 63 would include and amend provisions of SB 235, relating to all school districts offering a full-time, in-person attendance option. The backgrounds of both bills are described below. [*Note:* The provisions of SB 63 were not retained in the substitute bill.]

SB 63

Senate Committee on Education

SB 63, as amended by the Senate Committee on Education, would have amended law regarding the providing of the ACT, Pre-ACT, and ACT Workkeys examinations to Kansas students at no charge.

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

During the Senate Committee hearing on February 2, 2021, **proponent** testimony was provided by representatives of ACT, the Kansas Association of Community College Trustees, and the Kansas Catholic Conference.

Opponent testimony was provided by three private citizens.

Written-only neutral testimony was provided by the Kansas State Board of Education.

On February 26, 2021, the Senate Committee adopted amendments to:

- Add school districts to those who must provide notice of the dates, times, and locations of the examinations;
- Change the form of notice to being published on the websites of KSDE and school districts; and
- Clarify that participation was optional for all students.

House Committee on K-12 Education Budget

During the House Committee hearing on March 16, 2021, **opponent** testimony was provided by representatives of the Christian Home Educators Confederation of Kansas and the Home School Legal Defense Association. The opponents generally stated concerns with the bill's inclusion of home school students due to the reporting of collected data to the Department of Education and requested the Committee remove home school students from the bill.

Written-only neutral testimony was provided by representatives of the Kansas State Board of Education.

No other testimony was provided.

On March 17, 2021, the House Committee amended SB 63 by removing the contents of the bill and inserting the contents of SB 235, related to the offering of an in-person option for instruction.

The House Committee also amended the contents of SB 235 to:

- Change the date by which USDs must provide an in-person option from March 26, 2021, to March 31, 2021; and
- Remove the language requiring an in-person option be offered for every school year after the current school year.

The House Committee then recommended SB 63 as a House substitute bill.

According to the fiscal note prepared by the Division of the Budget on SB 63, as introduced, KSDE states enactment of 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 235

The bill was introduced by the Senate Committee on Federal and State Affairs at the request of Senator Masterson.

In the Senate Committee on Education hearing on February 25, 2021, **proponent** testimony was provided by Senator Masterson and a private citizen. Written-only **proponent** testimony was provided by seven private citizens. The proponents generally stated remote and hybrid learning models have negatively impacted students, including learning loss and increased anxiety and other mental health issues.

Further, the proponents noted concerns about spreading COVID-19 were overstated and school districts are capable of providing in-person learning with preventative measures in place. The proponents also stated this bill does not infringe upon the constitutional powers of the local school boards regarding the operation of schools because it only requires an in-person option; school boards may continue to offer remote and hybrid learning models.

Neutral testimony was provided by a private citizen. The conferee generally stated in-person learning is optimal, but ensuring the safety of teachers and students is also important. Written-only neutral testimony was also provided by a representative of the American Heart Association.

Opponent testimony was provided by representatives of the Garden City School Board (USD 457), Kansas Association of School Boards, and Kansas National Education Association. Written-only **opponent** testimony was provided by representatives of the Kansas Chapter of American Academy of Pediatrics and the State Board of Education. The opponents generally stated in-person learning is the goal of every school district, but concerns about the health of teachers and students, the inability of every school to provide social distancing and other preventative measures, and the remaining unknowns about the vaccine's effectiveness against spread of COVID-19 are valid reasons to maintain hybrid and remote learning. The opponents also noted that constitutionally, the power to open and close schools is a power granted to local school boards and this bill would infringe on that power.

According to the fiscal note prepared by the Division of the Budget on SB 235, as introduced, enactment of the bill would have no fiscal effect.

Education; coronavirus; in-person learning; remote learning
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