

SESSION OF 2020

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2510**

As Agreed to May 21, 2020

Brief*

HB 2510 would amend law related to the provision of free ACT exams for Kansas high school students, concurrent and dual enrollment for high school students, and the authority of healing arts school clinics to provide healing arts services. The bill would also require the creation of a foster care report card and would establish the Kansas Promise Scholarship Act. The bill would also authorize the sale of land by Kansas State University in Saline County.

The bill also would make technical amendments.

Free ACT Exams

The bill would require the Kansas State Board of Education (State Board) to provide the ACT college entrance exam, ACT WorkKeys assessments, and the pre-ACT at no charge to any person enrolled in any public or accredited nonpublic school in Kansas. Current law requires the State Board to provide those examinations at no charge to students enrolled in public schools.

The bill would also require the State Board to submit an annual report to the Senate Committee on Education and the House Committee on Education that includes aggregate exam and assessment data for all students who were

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provided the examinations and assessments by the State Board.

Concurrent Enrollment and Dual Enrollment

The bill would amend the Kansas Challenge to Secondary School Students Act (Act). Specifically, the bill would amend law related to concurrent and dual enrollment of high school students at postsecondary educational institutions.

Authority of School Districts

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 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 Kansas Board of Regents (KBOR).

Student Eligibility and Requirements

The bill would amend the definition of “student” in the 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;
- Who has demonstrated the ability to benefit from participation in the regular curricula of a postsecondary institution;
- With an individualized plan of study or an individualized education program;
- Who has been authorized by the principal of the school attended to apply for enrollment at an eligible postsecondary institution; and
- Is accepted for enrollment at an eligible postsecondary institution.

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

Requirements on Postsecondary Educational Institutions

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, as determined by the KBOR.

Tuition Waiver for Foster Care Students

The bill would expand the Kansas Foster Child Educational Assistance Program to provide a tuition waiver for an eligible foster child who is 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.

Reporting Requirements

The bill would require each postsecondary institution that accepts students for concurrent or dual enrollment to submit a report to the KBOR. The bill would require each 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 amount and portion of costs for concurrent and dual enrollment being paid by each school district.

KBOR would be required to compile and prepare a summary report of the reports submitted by postsecondary institutions. The bill would require this summary report to be submitted to the House Committee on Education and Senate Committee on Education on or before February 15 of each year.

Other Amendments

The bill would amend the definition of “accredited independent institution” in the 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 Healing Arts School Clinics

The bill would clarify the authority of healing arts school clinics to provide healing arts services. The bill would allow schools statutorily exempted from KBOR approval requirements to be exempted from the prohibition on the corporate practice of medicine. Current law requires that, for a school clinic to be exempted from the prohibition on the corporate practice of medicine, the school must be approved by KBOR.

The bill would also allow off-site clinics owned or operated by a school in partnership with other providers to engage in the practice of healing arts.

Foster Care Report Card

The bill would require the Kansas State Department of Education (KSDE) and the Department for Children and Families (DCF) to prepare an annual academic report card on educational outcome data regarding foster care students. The bill would require the following data for foster care students to be included in the academic report card:

- The graduation rate;
- The number and percentage promoted to the next grade level;
- The number and percentage suspended during the school year;

- The number and percentage expelled during the school year;
- State standardized assessment scores and the number and percentage meeting academic standards;
- The number enrolled in preschool-aged at-risk programs, Kansas Preschool Pilot program, or early childhood special education program under the federal Individuals with Disabilities Education Act;
- The total number of foster care students in the state and how many are enrolled in school districts and how many are enrolled in accredited nonpublic schools; and
- The number and percentage of foster youth participating in the mental health intervention team pilot program or similar mental health programs.

The bill would also require de-identified disaggregated race and ethnicity data for all of the required data. The bill would require the academic report card to be submitted to the House Committee on Education and the Senate Committee on Education on or before January 15 of each year.

Kansas Promise Scholarship Act

The bill would establish the Kansas Promise Scholarship Act (KPSA), which would provide scholarships for students to attend an “eligible postsecondary educational institution.” The bill would define such an institution to include community or technical colleges established by law, the Washburn Institute of Technology, or any two-year associate degree program or technical certificate program offered by a private postsecondary educational institution that has its primary

location in Kansas. The KPSA would be administered by KBOR.

To be eligible for a scholarship, a student would be required to:

- Be a Kansas resident;
- Be a graduate of Kansas public or private secondary school or have obtained a high school equivalency certificate within the preceding 12 months. The bill would also include students who graduate out of state while one or both parents are residents of Kansas and members of the Kansas National Guard who are stationed in another state. The bill would also include students who were in foster care at any time while enrolled in any of the grades 6 through 12. The bill would also include students enrolled in grade 12 in any public or private secondary school in Kansas;
- Complete the application form that would be established by KBOR;
- Enter into the scholarship agreement with the eligible postsecondary educational institution that stipulates that the student would:
 - Be a full-time student and complete the required career and technical education program or associate degree program with coursework in an identified job field that corresponds to a baccalaureate degree program;
 - Within 6 months of graduation, either work in Kansas for at least 2 years following completion of the program or enroll as a full-time student in a public or private postsecondary educational institution and

- upon graduation, work in Kansas for at least 2 years;
- Maintain records and report to KBOR the fulfillment of requirements; and
- Agree to repay the scholarship received, plus interest, upon failure to perform as specified in the agreement; and
- Complete the application for federal student aid and either:
 - Enroll in an eligible postsecondary educational institution with coursework in an identified job field that corresponds to a baccalaureate degree program; or
 - Transfer to a public or private postsecondary education institution that is primarily located in Kansas as a full-time student; and commence work in Kansas for at least 2 years following completion of the program.

The scholarship program would be subject to appropriations that would not exceed \$10.0 million annually. The amount of a student's scholarship for each semester would be the aggregate of the amount of tuition and related fees or costs of the eligible postsecondary educational institution minus the aggregate amount of all other aid awarded to the student. The bill would specify aid includes any financial assistance that would not require repayment. The bill would not prohibit a student enrolled in high school who received a postsecondary course credit from qualifying for the scholarship. To continue receiving the scholarship, the student would be required to:

- Annually complete 100 hours of community service or be verified by the eligible postsecondary educational institution to be employed part-time;
- Maintain a cumulative grade point average of 2.0 or greater; and

- Satisfy other requirements specified in the agreement.

The scholarship conditions would be satisfied when the student:

- Completes the requirements of the agreement;
- Fails to complete the educational requirements after making a best effort attempt;
- Cannot obtain and continue employment;
- Cannot satisfy the requirements due to a permanent physical disability; or
- Dies.

KBOR would be required to adopt rules and regulations pertaining to:

- Application deadlines for the scholarship;
- Appeals process for denial or revocation of a scholarship;
- Guidelines for the transferability of a graduated student's credits from an eligible postsecondary educational institution to a state educational institution or a municipal university;
- Procedures for a student to record and report proof of community service hours;
- The terms, conditions, and requirements of the scholarship agreement between the KBOR and the student;
- Procedures for requesting and approving certain absences from an eligible postsecondary educational institution;

- Criteria for determining whether a student has fulfilled the employment and repayment requirements specified in the bill, including methods of repayment; and
- Criteria for determining whether special circumstances or good cause are present that prevent a student from completing the scholarship requirements.

KBOR would be required to:

- Publicize the scholarship program by working with various community partners;
- Allocate funds to each postsecondary educational institution;
- Request information from each postsecondary educational institution;
- Collaborate annually with the Department of Commerce and Kansas business and industry to identify up to ten job fields that have the highest need for skilled employees;
- Designate scholarship-eligible career and technical programs and transfer education programs that correspond with the job fields and pathways;
- Ensure students fulfill the scholarship agreement; and
- Starting in January 2021, annually evaluate the program and report to the standing education committees of the House and Senate.

KBOR would be authorized to transfer any repayment account to a loan servicer or collection agency. Moneys received would be credited to the State General Fund.

The KPSA would sunset on July 1, 2025.

Kansas State University Land Sale

The bill would authorize the sale of land by Kansas State University in Saline County.

Conference Committee Action

The Conference Committee agreed to remove the contents of HB 2510, as passed by the Senate and further agreed to:

- Add the contents of SB 337, as passed by the Senate;
- Add the contents of Sub. for SB 335, as passed by the Senate;
- Add the contents of SB 277, as passed by the Senate;
- Add the contents of SB 384, as amended by the House Committee on Education;
- Add the contents of HB 2515, as passed by the House, with the following amendments:
 - Add language to make any student enrolled in grade 12 in any public or private secondary school in Kansas eligible for a scholarship; and
 - Add language to make any student who has been in foster care at any time while enrolled in any of the grades 6 through 12 eligible for a scholarship; and
- Add language authorizing the sale of land in Saline County by Kansas State University.

Background

HB 2510, as it passed the House, would have established a procedure for a city to assume the powers, responsibilities, and duties of any special district located within the city's corporate limits and dissolve such a special district if approved by a joint resolution adopted by the city and the special district. The Senate Committee on Ethics, Elections, and Local Government amended the bill to authorize a county, as well as a city, to assume the powers, responsibilities, and duties of a special district within its boundaries. The Conference Committee removed the contents of the bill and added the contents of the bills and topic summarized below.

SB 337 (Free ACT Exams)

SB 337 was introduced by the Senate Committee on Education (Senate Committee) at the request of Senator Braun.

In the Senate Committee hearing, proponent testimony was provided by representatives of the Pottawatomie County Economic Development Corporation and Wamego High School, noting that more students would be able to make more informed career decisions and have improved individual plans of study results due to the increased number of students taking ACT WorkKeys assessments and pre-ACT exams.

Opponent testimony was provided by a representative of United School Administrators of Kansas and the Kansas School Superintendents' Association, stating that state tax dollars should not be spent on nonpublic schools and that all public moneys should remain in public schools. No other testimony was provided.

The Senate Committee amended the bill to require the State Board of Education to submit an annual report to the

Senate Committee on Education and the House Committee on Education that includes aggregate examination and assessment data for all students who are provided the examinations. [Note: The Conference Committee retained this amendment.]

In continuing law (KSA 2019 Supp. 72-5132), “school district” is defined to refer to a public school district.

According to the fiscal note prepared by the Division of the Budget on SB 337 as introduced, the bill would not require additional funding. The contract to provide the examinations and assessments, which costs \$2.8 million from the State General Fund in FY 2020 and FY 2021, would cover students attending accredited nonpublic schools in Kansas.

Sub. for SB 335 (Concurrent Enrollment and Dual Enrollment)

SB 335 was introduced by the Senate Committee at the request of a representative of Unified School District (USD) 259 (Wichita).

In the Senate Committee hearing, proponent testimony was provided by representatives of the Kansas Association of Community College Trustees, Kansas Association of School Boards, Kansas Board of Regents, Kansas Independent College Association, and USD 259 (Wichita). Proponents generally favored increasing the opportunity for students to earn postsecondary credits while in high school, noting Kansans with postsecondary education have higher incomes than those with no postsecondary education. Written-only proponent testimony was provided by Senator Petersen and representatives of Friends University and the Wichita Regional Chamber of Commerce.

No neutral or opponent testimony was provided.

The Senate Committee amended the bill to:

- Require a student to have an individualized plan of study or an individualized education plan;
- Clarify the school districts could not pay for technical education courses that are part of the Excel in Career Technical Education program administered by the KBOR;
- Remove current law which does not require school districts to award high school credit for course work completed at a postsecondary institution. The bill would require school districts to award high school credit;
- Clarify the bill would apply to concurrent and dual enrollment;
- Require the postsecondary institution in which a student is concurrently or dually enrolled to notify the student or the student's parent or guardian if a course is not a systemwide transfer course approved by the KBOR;
- Provide a tuition waiver for foster care students who are concurrently or dually enrolled at a postsecondary institution;
- Limit concurrent and dual enrollment to not-for-profit postsecondary institutions;
- Require postsecondary institutions to submit a report to the KBOR of concurrent and dual enrollment;
- Require students to remain in good standing at the postsecondary institution in which they are enrolled or show satisfactory progress, as determined by the school district; and

- Clarify the postsecondary institutions must be accredited by a nationally recognized accrediting agency.

The Senate Committee recommended the amended contents be placed into a substitute bill. [Note: The Conference Committee retained all Senate amendments.]

According to the fiscal note prepared by the Division of the Budget on SB 335 as introduced, KBOR indicates the bill could increase the number of secondary students who would choose dual enrollment if school districts choose to pay for a portion or all of the tuition and related costs; however, the KBOR indicates a fiscal effect cannot be estimated because the number of school districts that would pay for tuition and related costs is not known. KSDE states enactment of the bill would have no effect on state aid to school districts. If a school district chose to pay for tuition and related costs for dual enrollment, those costs would be borne by the school district. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2021 Governor's Budget Report*.

SB 277 (Authority of Healing Arts School Clinics)

The bill was introduced by the Senate Committee at the request of a representative of Cleveland University–Kansas City.

In the Senate Committee hearing, proponent testimony was provided by representatives of Cleveland University–Kansas City and the Kansas Chiropractic Association. Proponents stated the bill would resolve statutory conflicts created by a 2017 amendment to the Kansas Private and Out-of-State Postsecondary Educational Institution Act that exempted Cleveland University–Kansas City from the requirement to register with KBOR. Additionally, the proponents said the creation of off-site clinics would allow student interns to provide care to a more diverse patient population. Written-only proponent testimony was provided by

a representative of the Kansas Independent College Association.

Written-only neutral testimony was provided by a representative of the Kansas State Board of Healing Arts. No opponent testimony was provided.

The Senate Committee recommended the bill be placed on the Consent Calendar.

According to the fiscal note prepared by the Division of the Budget on SB 277, the Kansas State Board of Healing Arts indicates enactment of the bill would have no fiscal effect.

SB 384 (Foster Care Report Card)

SB 384 was introduced by the Senate Committee on Education (Senate Committee) at the request of Senator Baumgardner.

In the Senate Committee hearing, proponent testimony was provided by representatives of the DCF, Jobs for America's Graduates–Kansas, and the Kansas Appleseed Center for Law and Justice, noting the requirement for an annual report card would give a more complete understanding of a foster care student's experience in the education system. According to the proponents, the report card would allow for better tailored responses to the needs of foster care students and providing the report card data publicly will ensure transparency and promote accountability for the education of foster youth. Written-only proponent testimony was provided by a private citizen.

No neutral or opponent testimony was provided.

The Senate Committee amended the bill to change the language of "report" to "academic report card," make technical corrections, require de-identified disaggregated race

and ethnicity data for all of the required data, and add the Kansas Preschool Pilot program or early childhood special education program under the federal Individuals with Disabilities Act to the requirement to report the number and percentage of foster care students enrolled in any preschool-aged at-risk program. [*Note:* The Conference Committee retained these amendments.]

In the House Committee on Education (House Committee) hearing, proponent testimony was provided by Senator Baumgardner and representatives of DCF and Keys for Networking. No neutral or opponent testimony was provided.

The House Committee amended the bill at the request of DCF to require the report cards to include data pertaining to foster youth participation in certain mental health programs. [*Note:* The Conference Committee retained this amendment.]

According to the fiscal note prepared by the Division of the Budget on SB 384 as introduced, the KSDE indicates the bill would have a negligible fiscal impact and the DCF states the bill would have no fiscal effect.

HB 2515 (Kansas Promise Scholarship Act)

HB 2515 was introduced by the House Committee on Commerce, Labor and Economic Development at the request of Representative Tarwater. In the House Committee hearing, representatives of various community and technical colleges, the Greater Kansas City Chamber of Commerce, and the Board spoke in favor of the bill, stating the legislation would create a “last dollar” scholarship program that would target in-demand occupations. Written-only proponent testimony was provided by representatives of the Overland Park Chamber of Commerce, the Kansas Chamber, and Washburn University.

No opponent testimony was provided.

A representative of the Kansas Independent College Association provided neutral testimony, stating the legislation would not include not-for-profit colleges in the definition of eligible postsecondary educational institution and would not define skilled jobs.

The House Committee on Commerce, Labor and Economic Development amended the bill to:

- Revise the definition for “eligible postsecondary educational institution” to include Washburn Institute of Technology and certain programs offered by a private postsecondary educational institution located primarily in Kansas;
- Revise the work requirement to allow the eligible postsecondary educational institution to verify the student’s employment status;
- Require the KBOR to work with community partners to publicize the scholarships;
- Specify the coursework taken by the student must be for an identified job field that corresponds to a baccalaureate degree program;
- Allow for a student to transfer as a full-time student to certain public or private postsecondary education institutions in Kansas and stipulate a two-year work requirement;
- Cap the appropriation at no more than \$10.0 million annually; and
- Sunset the KPSA after 5 years.

According to the revised fiscal note prepared by the Division of the Budget, in consultation with KBOR and the Department, the bill, as introduced, would cost \$17.3 million from the State General Fund for scholarships in FY 2021. This assumes half of the 7,175 students currently enrolled at

community and technical colleges, excluding Washburn Institute of Technology, would enroll in a high-demand job field. The agencies estimate operating expenses in FY 2021 would increase by \$39,806 and 0.05 FTE position. This includes \$37,419 for the KBOR and \$2,387 and 0.05 FTE position for the Department. Any fiscal effect associated with the bill is not reflected in *The FY 2021 Governor's Budget Report*.

Kansas State University Land Sale

Senator Baumgardner introduced the provision concerning the Kansas State University land sale to the Conference Committee, indicating that it was provided for by 2019 legislation, but the legal description of the land used in the previous legislation was incorrect.

Education; higher education, school finance

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