

SESSION OF 2020

**SUPPLEMENTAL NOTE ON SENATE SUBSTITUTE FOR
HOUSE BILL NO. 2346**

As Recommended by Senate Committee on
Education

Brief*

Senate Sub. for HB 2346 would amend law related to free school-administered vision screenings, concurrent and dual enrollment for high school students, the provision of free ACT exams and WorkKeys assessments for high school students, and the state aid schedule for Capital Improvements State Aid. The bill would also create law requiring the Department for Children and Families (DCF) and the Kansas State Department of Education (KSDE) prepare an annual report on the educational outcomes of foster care students.

School-administered Vision Screenings (Sections 10-11)

The bill would amend state standards for free school-administered vision screenings to add new definitions and amend others, modify the frequency of the vision screenings to specify the grade levels and specific circumstances under which the screenings would occur, provide for vision screenings for students in accredited nonpublic schools, require screenings be performed by a vision screener who would be required to follow the most recent state vision screening guidelines, and require vision screening results and any necessary referral for an examination by an ophthalmologist or optometrist be reported to the parents or guardians of any examined student. The bill would also establish an eight-member Kansas Children's Vision Health

*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>

and School Readiness Commission (Commission) to ensure implementation of the provisions of the bill; provide for the appointment of the members, who would serve without reimbursement for meeting expenses; and establish the duties of the Commission.

Definitions

The bill would define the following new terms:

- “Accredited nonpublic school” would mean all nonpublic elementary and secondary schools accredited by the State Board of Education (State Board);
- “Board of education” would mean the board of education of any school district;
- “IDEA part B” would mean all statewide programs providing special education and related services to children with disabilities aged three through five in accordance with 20 U.S.C. § 1411, and amendments thereto;
- “School district” would mean any school district organized under the laws of this state; and
- “Vision screener” would mean any school nurse, or the nurse’s designee, or other person who is trained to administer a vision screening test to students in the state of Kansas in accordance with this section [Section 1 of the bill].

The bill would amend the definition of “basic vision screening” to mean an age-appropriate eye testing program for each child that is implemented according to the most recent edition of the Kansas vision screening requirements and guidelines and includes referrals for eye examinations and necessary follow-ups.

Frequency of Vision Screenings

The bill would provide children with free basic vision screenings as follows:

- Annually for children with disabilities aged three through five years who are participating in IDEA part B programs;
- At least once each school year for students enrolled in kindergarten and each of the grades one through three, five, seven, and ten in a school district or an accredited nonpublic school; and
- Within the first year of admission for any student enrolled in a school district or an accredited nonpublic school.

Entity Responsible for Providing Vision Screening

The bill would require the board of education of the school district in which a student is enrolled to provide basic vision screening to every student enrolled in such school district.

The bill would require basic vision screening be provided to every student in an accredited nonpublic school by either the accredited nonpublic school in which the student is enrolled or, upon request by the student's parent or guardian, by the board of education of the school district in which the student resides.

Performance and Reporting of Vision Screenings

The bill would require basic vision screening be performed by a vision screener designated by the board of education or by an accredited nonpublic school. The bill would require vision screeners follow the most recent state vision screening guidelines. The bill would require the results

of the screening and any necessary referral for an examination by an ophthalmologist or optometrist be reported to the parents or guardians of any examined student and require any such referral to show no preference in favor of any ophthalmologist or optometrist.

*Kansas Children's Vision Health and School Readiness
Commission*

The bill would require an eight-member Commission be established to ensure the implementation of the provisions of the bill, with membership appointed by the State Board and composed of one member representing each of the following: optometrists, ophthalmologists, a health organization dedicated to preventing blindness, the KSDE, the Kansas Department of Health and Environment, school nurses, public health nurses, and school administrators.

The bill would require the Commission members serve without reimbursement for meeting expenses.

The bill would establish the following duties of the Commission:

- Overseeing the revision of state vision screening requirements and guidelines at least once every seven years;
- Providing standardized vision screening referral letters and eye professional examination reports as referenced in the Kansas vision screening requirements and guidelines;
- Identifying state resources that assist in providing opportunities to offer free or low-cost eye exams for students who fail vision screenings and are unable to afford an examination on their own; and
- Establishing a system to collect data from school health personnel concerning the results of the

original screenings and referral outcomes, and issuing an annual report to the Secretary of Health and Environment and the Commissioner of Education.

Concurrent and Dual Enrollment (New Section 2; Sections 3-7; Section 12)

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 for 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 their principal to apply for enrollment at a postsecondary institution; and
- Is accepted for enrollment at a postsecondary institution.

In order to remain eligible for participation, 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.

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 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.

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 report would 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 for regularly enrolled students; and
- The portion of costs for concurrent and dual enrollment being paid by school districts.

The 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 the 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.

ACT and WorkKeys Assessments (Section 8)

The bill would require the 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 provided the examinations and assessments by the State Board.

State Aid Schedule for Capital Improvement State Aid (Section 9)

The bill would amend the Capital Improvement State Aid schedule for general obligation bonds issued by school districts. The bill would exclude Unified School District (USD) 207 (Fort Leavenworth) from the state aid schedule for general obligation bond issuances approved at an election held on or after July 1, 2015. The bill would also exclude students enrolled in virtual schools from the assessed valuation per pupil (AVPP) used when determining the state aid schedule for bonds approved at an election held on or after July 1, 2015. [Note: For bonds approved prior to July 1, 2015, the AVPP used to calculate this state aid would continue to include virtual school students.]

Under current law, Capital Improvement State Aid for bonds approved at an election held on or after July 1, 2015, is calculated as follows:

- School districts are ranked according to their AVPP, as rounded to the nearest \$1,000;
- The school district with the lowest AVPP receives 75.0 percent state aid; and
- For every \$1,000 in AVPP above the lowest AVPP, state aid is decreased by 1.0 percent.

The bill would revise the calculation of Capital Improvement State Aid for bonds approved at an election held on or after July 1, 2015, as follows:

- School districts would be ranked according to their AVPP (excluding virtual school students), as rounded to the nearest \$1,000;
- The school district, other than USD 207, with the lowest AVPP would receive 75.0 percent state aid; and
- For every \$1,000 in AVPP above the lowest AVPP (excluding USD 207), state aid would be decreased by 1.0 percent.

Foster Care Report Card (New Section 1)

The bill would require the KSDE and the 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 Act; and
- 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.

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.

Technical Amendments

The bill would also make technical amendments.

Background

Senate Sub. for HB 2346, as recommended by the Senate Committee on Education (Senate Committee) contains the provisions of the following:

- HB 2346, as amended by the House Committee on Children and Seniors;
- Sub. for SB 335, as recommended by the Senate Committee;
- SB 337, as amended by the Senate Committee;
- SB 382, as amended by the Senate Committee; and
- SB 384, as amended by the Senate Committee.

On March 17, 2020, the Senate Committee inserted the contents of Sub. for SB 335, SB 337, SB 382, and SB 384 into HB 2346 and recommended a substitute bill.

HB 2346 (School-administered Vision Screenings)

HB 2346 was introduced by the House Committee on Children and Seniors at the request of Representative Dierks. In the House Committee hearing, a representative of the Kansas Vision Coalition Task Force testified in favor of the bill, stating the Kansas Vision Screening Guidelines, which were last revised in 2004, were updated in 2018 and released early in 2019 and used evidence-based screening tools and procedures to create age-specific recommendations. The proponent stated the bill would amend Kansas vision screening laws established in 1959, with a minor change in 2001, to reflect the current evidence-based practices and requirements for vision screening for preschoolers and to provide a systemic method of regularly reviewing and updating the guidelines as technology and research change. Written-only proponent testimony was provided by a public school teacher.

No other testimony was provided.

The House Committee amended the bill to clarify basic vision screening would be provided by the board of education

of the school district in which the student is enrolled, without a requirement the student reside in the school district.

In the Senate Committee hearing, proponent testimony was provided by representatives of the Kansas Optometric Association and the Kansas School Nurses Organization, as well as by a vision screening trainer. Proponents stated the bill would provide needed updates to the statutes requiring vision screenings, with a greater emphasis on younger students. Additionally, the proponents favored greater training for vision screeners and stated the Kansas Children's Vision Health and School Readiness Commission would help ensure guidelines for screenings are updated regularly. Written-only opponent testimony was provided by a school nurse.

According to the fiscal note prepared by the Division of the Budget on HB 2346 as introduced, the KSDE indicates some school districts receive in-kind services from medical professionals for vision screening services. Any additional costs not received by the in-kind services as a result of enactment of the bill would be borne by the local school board. The KSDE estimates the eight-member Commission that would be established by the bill would meet four times during FY 2020 at a cost of \$150 per member. As a result, the Department of Education estimates enactment of the bill would require additional FY 2020 expenditures totaling \$4,800 (eight members at \$150 in meeting expenses per member per meeting, including travel, for four meetings), all from the State General Fund. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2020 Governor's Budget Report*.

[*Note:* The intent to request a revised fiscal note to clarify expenditures was expressed during the House Committee hearing because the bill would provide Commission members receive no reimbursement for meeting expenses. No new fiscal note was available at the time the Senate Committee took action on the bill.]

Sub. for SB 335 (Concurrent and Dual Enrollment)

The bill was introduced by the Senate Committee at the request of a representative of 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, the KBOR, 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.

On February 21, 2020, 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 postsecondary institutions must be accredited by a nationally recognized accrediting agency.

The Senate Committee recommended the amended contents be placed into a substitute bill.

According to the fiscal note prepared by the Division of the Budget on SB 335 as introduced, the 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. The 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 337 (Expanded Eligibility for Free ACT Exam and WorkKeys Assessments)

SB 337 was introduced by the Senate Committee at the request of Senator Braun.

In the Senate Committee hearing on the bill, proponent testimony was provided by representatives of the Pottawatomie County Economic Development Corporation and Wamego High School, noting 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.

On February 19, 2020, the Senate Committee amended the bill to require the State Board 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.

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.

SB 382 (Amendments to the Capital Improvement State Aid Schedule)

SB 382 was introduced by the Senate Committee at the request of Senator Baumgardner.

In the Senate Committee hearing on the bill, proponent testimony was provided by representatives of the Kansas Association of School Boards (KASB), Piper Sandler Companies, USD 230 (Spring Hill), and USD 233 (Concordia). Proponents stated removing USD 207 (Fort Leavenworth) from the state aid schedule would provide more equitable funding for capital improvements projects. Additionally, proponents stated the bill would provide some property tax relief to local taxpayers. Written-only proponent testimony was provided by representatives of USD 233 (Olathe) and USD 393 (Solomon).

Neutral testimony was provided by a representative of USD 266 (Maize). The representative stated the bill would make state aid for capital improvements more equitable, but proposed the bill be made retroactive to include all bonds approved in elections since July 1, 2015.

No other testimony was provided on the bill.

On February 21, 2020, the Senate Committee amended the bill to:

- Include all bonds approved at elections held on or after July 1, 2015. As introduced, the bill would have affected only bonds approved at an election held on or after July 1, 2020; and

- Exclude virtual school students from the AVPP used to calculate Capital Improvement State Aid for bonds approved at elections held on or after July 1, 2015.

In the House Committee on K-12 Budget hearing, proponent testimony was provided by representatives of KASB, USD 333 (Concordia), and USD 436 (Caney Valley). Proponents stated the bill would provide property tax relief to taxpayers and would allow school districts to address major capital needs. Written-only proponent testimony was provided by representatives of Piper Sandler Companies, Schools for Quality Education, USD 202 (Turner-Kansas City), USD 230 (Spring Hill), USD 233 (Olathe), USD 266 (Maize), and USD 393 (Solomon). No other testimony was provided.

On March 11, 2020, the House Committee amended the bill to:

- Include bonds approved at an election held on or after July 1, 2020. [*Note:* Senate Sub. for HB 2346 would include all bonds approved at elections held on or after July 1, 2015.];
- Change the effective date for the exclusion of virtual students from the calculation of the AVPP used to determine Capital Improvement State Aid to July 1, 2020; and

[*Note:* Senate Sub. for HB 2346 excludes virtual school students from the AVPP used to determine state aid for all bonds approved on or after July 1, 2015.]
- Insert the contents of HB 2465, as amended by the House Committee on February 10, 2020. [*Note:* Senate Sub. for HB 2346 does not include these provisions.]

According to the fiscal note prepared by the Division of the Budget on SB 382 as introduced, the KSDE indicates the state aid rates for school districts would increase by removing USD 207 from the AVPP schedule for calculating Capital Improvement State Aid. According to the KSDE, much of the real property located in USD 207 is owned by the federal government and, therefore, exempt from property taxes. As a result, USD 207 is always the lowest ranked district based on AVPP. Under current law, USD 207 would be entitled to 75.0 percent state aid for capital improvements. However, KSA 72-1210(b) prohibits USD 207 from issuing general obligation bonds and, therefore, it cannot receive state aid for capital improvements.

According to the fiscal note, the short-term fiscal effect of the bill would be negligible. The KSDE indicates few, if any, school districts would pass a bond issuance after July 1, 2020, and then issue bonds in time to qualify for state aid for FY 2021. The long-term fiscal effect of the bill would be to increase Capital Improvement State Aid expenditures due to the increase in state aid rates caused by the removal of USD 207 from the state aid schedule. However, the KSDE cannot estimate the increase in state aid without knowing which school districts would approve bond issuances and how much bonding authority would be authorized. Any fiscal effect associated with the bill is not reflected in *The FY 2021 Governor's Budget Report*.

According to analysis of SB 382 performed by the Kansas Legislative Research Department (KLRD) and presented to the Senate Committee prior to working the bill, removing USD 207 from the state aid schedule would increase state aid rates for Capital Improvement State Aid by approximately 24.0 percent and increase the number of school districts eligible to receive state aid by 52 (from 126 to 179). This analysis was conducted using the AVPP for the 2018-2019 school year. Any analysis using the AVPP for the 2019-2020 school year would produce different results.

Additional analyses conducted by KLRD staff included the projected impact of excluding virtual students from the AVPP used for Capital Improvement State Aid. According to this analysis, excluding virtual students from the AVPP would have the effect of increasing the AVPP of any school district that operates a virtual school, thereby decreasing the state aid rate for those school districts. This effect would be most pronounced in school districts where virtual school students make up a large percentage of full-time equivalent enrollment. It is estimated 175 school districts would be eligible to receive Capital Improvement State Aid if the bill, as amended by the Senate Committee, were enacted.

SB 384 (Foster Care Report Card)

SB 384 was introduced by the Senate Committee on Education 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.

On February 20, 2020, 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.

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.