

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2089** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 1, following line 6, by inserting:

"WHEREAS, The legislature affirms that a quality, individualized education provides an essential pathway to success, not only for each student but for the prosperity and stability of the state; and

WHEREAS, Every child in Kansas is unique, with diverse learning needs and thus shall be granted educational opportunities and enrichment in a learning environment that best aligns with their needs; and

WHEREAS, The Kansas education enrichment program act affirms that equity in education means that all children shall receive the enrichment and instruction they need regardless of their socioeconomic status and racial or cultural background; and

WHEREAS, The Kansas education enrichment program act provides meaningful education enrichment and opportunity that lifts up children while simultaneously entrusting parents to direct the education of their children.

Now, therefore:";

Also on page 1, by striking all in lines 9 through 33; following line 33, by inserting:

"New Section 1.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2024, all moneys now or hereafter lawfully credited

to and available in such fund or funds except that expenditures other than refunds authorized by law and transfers to other state agencies shall not exceed the following:

Special education and related services aid ARPA fund.....No limit

*Provided*, That expenditures shall be made from the special education and related services aid ARPA fund for payments and grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-3422 and 72-3425, and amendments thereto: *Provided however*, That no expenditure shall be made from such fund for the provision of instruction for any homebound or hospitalized child unless the categorization of such child as exceptional is conjoined with the categorization of the child within one or more of the other categories of exceptionality.

New Sec. 2.

STATE TREASURER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2024, all moneys now or hereafter lawfully credited to and available in such fund or funds except that expenditures other than refunds authorized by law and transfers to other state agencies shall not exceed the following:

Kansas education enrichment program fund.....No limit

*Provided*, That expenditures shall be made from the Kansas education enrichment program fund for payments, awards and grants to qualified students in amounts determined pursuant to and in accordance with the provisions of the Kansas education enrichment program act.

New Sec. 3.

LEGISLATIVE COORDINATING COUNCIL

(a) On July 1, 2023, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$25,359,420 from the legislature employment security fund of the legislative coordinating council to the special education and related services aid ARPA fund of the department of education.

New Sec. 4. (a) During fiscal year 2023, if any state agency has been transferred funds

or been approved to use funds from the American rescue plan - state fiscal relief federal fund (252-00-3756) of the governor's department, as recommended by the strengthening people and revitalizing Kansas executive committee and authorized by the state finance council pursuant to section 28(d) of chapter 81 of the 2022 Session Laws of Kansas, for the purpose of establishing and maintaining a program that provides for individual learning loss grants to K-12 students with a focus on students in low-income families or in foster care, and such funds have not been expended or are not legally obligated to be expended pursuant to a signed agreement or contract, including any unencumbered funds, such state agency shall not expend or encumber any such funds: *Provided*, That on the effective date of this act, the approval by the state finance council pursuant to state finance council resolution 22-741 for allocations, expenditures and distributions for such learning loss program from the American rescue plan - state fiscal relief federal fund is hereby declared null and void and shall have no force and effect: *Provided further*, That on the effective date of this act, the authority of the state finance council, pursuant to section 28(d) of chapter 81 of the 2022 Session Laws of Kansas, to approve expenditures or obligations for such learning loss program is hereby declared null and void and shall have no force and effect: *And provided further*, That on July 1, 2023, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$47,000,000 from the American rescue plan - state fiscal relief federal fund (252-00-3756) of the governor's department to the special education and related services ARPA fund of the department of education.

New Sec. 5. (a) Section 5 et seq., and amendments thereto, shall be known and may be cited as the Kansas education enrichment program act.

(b) As used in the Kansas education enrichment program act:

(1) "Award" means a Kansas education enrichment program award provided pursuant to

section 8, and amendments thereto, to a qualified student who attends a public school.

(2) "BASE aid" means the same as defined in K.S.A. 72-5132, and amendments thereto, for the current school year.

(3) "Grant" means a Kansas education enrichment program grant established in an account on behalf of a qualified student pursuant to section 9, and amendments thereto.

(4) "Immediate family member" means a parent, sibling or any other relative of a qualified student who lives in the same residence as the qualified student.

(5) "Parent" means a Kansas resident who is the parent, stepparent, legal guardian, custodian or other person with authority to act on behalf of a qualified student.

(6) "Program" means the Kansas education enrichment program established pursuant to the Kansas education enrichment program act.

(7) "Qualified education service provider" means any business, organization or individual that provides educational goods or services that are authorized for purchase or reimbursement under the program. "Qualified education service provider" includes any school located in Kansas that is a nonpublic elementary or secondary school that has made application and received approval to be a qualified education service provider under the program.

(8) "Qualified student" means a resident of Kansas who:

(A) For the purpose of providing awards to public school students pursuant to section 8, and amendments thereto:

(i) Is enrolled in and attending kindergarten or any of the grades one through 12 at any public elementary or secondary school located in this state; and

(ii) (a) has a household family income of 250% or less of the federal poverty level; or

(b) attended a school building of a school district in the preceding school year that was

closed by the school district pursuant to K.S.A. 72-1431, and amendments thereto, and the student is required to travel 15 miles or more from the student's residence to the school building that such student is assigned to attend in the current school year; or

(B) for the purpose of providing grants to students to enroll in a nonpublic school pursuant to section 9, and amendments thereto:

(i) Is enrolled in and attending kindergarten or any of the grades one through 12 at a public or nonpublic elementary or secondary school located in this state; and

(ii) (a) has a household family income of 250% or less of the federal poverty level and is a resident of a school district that meets the requirements of section 9(n)(1), and amendments thereto;

(b) attended a school building of a school district in the preceding school year that was closed by the school district pursuant to K.S.A. 72-1431, and amendments thereto, and the student is required to travel 15 miles or more from the student's residence to the school building of the school district that such student would otherwise be required to attend in the current school year; or

(c) has previously received a grant pursuant to the program and enters into a written agreement with the treasurer to receive a subsequent grant under the program.

(9) "School district" means a school district organized under the laws of this state.

(10) "Treasurer" means the state treasurer or the state treasurer's designee.

New Sec. 6. (a) The Kansas education enrichment program is hereby established to recognize the right of parents to choose the educational environment that best serves their children and to provide educational enrichment opportunities to students attending public and nonpublic schools throughout the state. The program shall be a continuation of and supplemental

to the Kansas education enrichment program as approved by the state finance council in resolution No. 22-741.

(b) On July 1, 2023, all administrative functions, duties, liabilities, debts, rights and obligations relating to the Kansas education enrichment program approved by the state finance council in resolution No. 22-741 shall be transferred to and attach to the office of the state treasurer. Upon the transfer of such program to the office of the state treasurer, the treasurer shall maintain and be subject to the terms and conditions of any contract with a third-party vendor that was executed for purposes of the Kansas education enrichment program prior to the transfer.

(c) The Kansas education enrichment program shall provide the following two options for qualified students to access educational instructional and enrichment opportunities:

(1) For qualified students that will enroll in a public elementary or secondary school during the school year, a \$1,000 award per qualified student to pay for educational goods and services from a qualified education service provider as provided in section 8, and amendments thereto; and

(2) for qualified students that will enroll in a nonpublic elementary or secondary school, a grant equal to 95% of the BASE aid amount for the applicable school year for the qualified student to pay for educational goods and services from a qualified education service provider as provided in section 9, and amendments thereto.

New Sec. 7. (a) The treasurer shall have the following powers and duties for administration of the Kansas education enrichment program:

- (1) Oversee and manage the program;
- (2) establish and administer grants and awards on behalf of qualified students participating in the program;

(3) maintain and execute contracts as necessary to carry out the requirements of the program;

(4) expend federal funds allocated to the program pursuant to section 6, and amendments thereto; and

(5) exercise such other powers and perform such other functions and duties provided in the Kansas education enrichment program act.

(b) The treasurer shall:

(1) Accept applications throughout the school year;

(2) enroll a qualified student in the program after receipt of a completed application and any other required documentation;

(3) notify parents of the student's enrollment in the program within 30 calendar days after receipt of completed application forms and other required documentation;

(4) maintain an explanation of at least the following information on the treasurer's website and provide an electronic or paper copy of such information to any parent whose child is participating in the program:

(A) The allowable uses of money provided through an award or grant pursuant to the program;

(B) the responsibilities of a parent of a qualified student participating in the program; and

(C) the effect of participation in the program by qualified students with an individualized education program (IEP) or an education plan under section 504 of the rehabilitation act of 1973, 29 U.S.C. § 794.

(c) The treasurer and parents may provide any notifications, applications or documents

required by this act electronically. The treasurer shall confirm receipt of all such notifications whether provided by paper copy or electronically.

(d) The treasurer shall not disclose a qualified student's identification or distribute or release any personally identifiable data of a qualified student to a third party without the written consent of such student's parent. Written consent shall be obtained for each instance of such disclosure, distribution or release.

(e) The treasurer shall conduct or contract to conduct annual financial audits and random quarterly financial audits of awards and grants to ensure compliance with the Kansas education enrichment program. The treasurer shall determine the scope of any such audit and shall oversee any such audit.

(f) The treasurer may adopt rules and regulations to administer and implement the Kansas education enrichment program.

New Sec. 8. (a) To enroll in the program for the purpose of receiving a \$1,000 award for a student who attends a public school during the school year, the parent of a qualified student shall submit an application on a form and in a manner determined by the treasurer and enter into a written agreement with the treasurer in accordance with this section.

(b) The written agreement for a qualified student who applies for an award shall provide the following:

(1) The award shall only be used to pay for educational goods and services from a qualified education service provider in accordance with this section; and

(2) a qualified student shall receive only one award and shall not be eligible for any subsequent award but shall continue to be eligible to receive a grant pursuant to section 9, and amendments thereto, except that the qualified student shall not receive a grant in the same school

year that such qualified student received an award pursuant to this section.

(c) A parent shall only expend award moneys to pay for the following educational goods and services from a qualified education service provider:

(1) Day or overnight in-person camps that are primarily academic in nature and provide subjects related to the student's academic curriculum;

(2) online or in-person language classes offered by a licensed organization;

(3) purchases or rentals of instruments, purchases of sheet music, music books and music materials and music lessons;

(4) tutoring services provided by a tutor who is not an immediate family member of the qualified student;

(5) curriculum materials, school supplies and authorized educational technology devices; and

(6) any other educational goods or services authorized by the treasurer that is not prohibited pursuant to subsection (d).

(d) No award moneys shall be used for any of the following expenditures:

(1) Sporting goods or services, including sports camps;

(2) driver's education-related fees or services;

(3) non-academic lessons or courses including personal hygiene, self-care, self-esteem, or other non-academic lessons or courses;

(4) tuition or school registration fees;

(5) goods or services provided by immediate family members;

(6) field trips or admission tickets to museums, zoos, theaters, historical landmarks or other locations;

- (7) fees associated with transportation services, including parking fees;
- (8) clothing or uniforms;
- (9) food or meals; or
- (10) daycare services.

(e) Any award provided to a qualified student may be used by the parent in the online education marketplace established to pay for educational goods and services from a qualified education service provider. A parent shall submit a request to the treasurer to approve any expenditures that have not been pre-approved by the treasurer.

(f) Upon approval of a written agreement pursuant to this section, the treasurer shall authorize a \$1,000 award in the name of the qualified student.

(g) A written agreement entered into pursuant to this section shall have a term of 12 months. Such agreement may be suspended or terminated at any time upon a determination that:

- (1) Moneys have been used for purposes other than those allowed under the program;
- or
- (2) the student is no longer a resident of Kansas.

(h) A parent may terminate a written agreement at any time. To terminate a written agreement, the parent shall notify the treasurer in writing of such termination.

(i) When a written agreement is terminated, the treasurer shall terminate the award and transfer any remaining balance of such award moneys to the state general fund.

New Sec. 9. (a) To receive a Kansas education enrichment program grant to pay for educational goods and services from a qualified education service provider on behalf of a qualified student who attends a nonpublic school, the parent of a qualified student shall submit an application on a form and in a manner determined by the treasurer and enter into a written

agreement with the treasurer in accordance with this section.

(b) The written agreement for a qualified student who seeks to receive a grant pursuant to the program shall provide the following:

(1) A portion of moneys shall be used to provide an education for the qualified student in at least the subjects of reading, grammar, mathematics, social studies and science;

(2) to receive grant moneys under the program, the qualified student shall not enroll full time in a school of a school district;

(3) no immediate family member of a qualified student may charge or collect payment, tuition or fees for tutoring or educational therapies or services provided to such qualified student;

(4) any grant moneys shall only be used by the parent of a qualified student to pay for educational goods and services from a qualified education service provider authorized pursuant to this section;

(5) any payments from grant moneys for a student's enrollment at a nonpublic school shall only be made to a qualified education service provider;

(6) the qualified student may accept a scholarship from a scholarship granting organization pursuant to the tax credit for low income students scholarship program act, K.S.A. 72-4351 et seq., and amendments thereto, if the qualified student meets the requirements of both programs; and

(7) the parent of a qualified student shall comply with all requirements of the program.

(c) A parent shall only expend grant moneys to pay for the following educational goods and services from a qualified education service provider:

(1) Enrollment costs charged by a qualified education service provider;

(2) textbooks and other supplies required by a qualified education service provider;

- (3) educational therapies or services provided by a licensed provider;
  - (4) tutoring services provided by a tutor who is not an immediate family member of the qualified student;
  - (5) curriculum materials;
  - (6) uniforms if required for attendance;
  - (7) enrollment costs charged by an online learning program;
  - (8) contracted services from a public school district offered outside of the traditional school year and hours for students;
  - (9) fees for any nationally standardized norm-referenced achievement test, advanced placement examination or examination related to admission to a postsecondary institution;
  - (10) fees or costs required to apply for or acquire occupational licenses, certificates, apprenticeships or other professional qualifications;
  - (11) fees for transportation services approved by the treasurer that are used for transportation to and from a qualified education service provider;
  - (12) computer hardware and technological devices primarily used for educational purposes, including personal computers, laptops, tablet devices, microscopes, telescopes and printers; and
  - (13) any other educational goods or services approved by the treasurer.
- (d) Moneys provided through a grant under the program shall not be expended for the following:
- (1) Sporting goods or services, including sports camps; or
  - (2) for qualified students schooled at home, goods or services provided by an immediate family member.

(e) Upon approval of the applicable written agreement to receive a grant, the treasurer shall authorize such grant amount in the name of the qualified student. To continue receiving grant moneys, the parent of a qualified student shall renew the qualified student's written agreement on an annual basis. Only one grant shall be provided to each qualified student per school year. A parent acting on behalf of more than one qualified student shall have a separate written agreement for each qualified student.

(f) The treasurer may suspend or terminate a written agreement at any time upon a determination that:

(1) Moneys have been used for purposes other than those allowed under the program;

or

(2) the student is no longer a resident of Kansas.

(g) A parent may terminate a written agreement at any time. To terminate a written agreement, the parent shall notify the treasurer in writing of such termination.

(h) When a written agreement is terminated, the treasurer shall terminate the grant and transfer any remaining balance of such grant moneys to the state general fund.

(i) Each written agreement entered into pursuant to this section shall have a term of 12 months. Each qualified student's grant moneys shall remain active until:

(1) A written agreement is terminated;

(2) a parent does not renew the qualified student's written agreement;

(3) the student enrolls in a school district on a full-time basis;

(4) the student is no longer a qualified student under the program; or

(5) moneys have been used for purposes other than those allowed under the program.

(j) When the treasurer determines that a written agreement is no longer active, the

treasurer shall terminate the grant and transfer any remaining balance of such grant moneys to the state general fund.

(k) Any unencumbered grant moneys that have not been expended on behalf of a qualified student at the end of a school year shall roll over to the next succeeding school year if the student and parent of the student renew a written agreement to continue to receive a grant and participate in the program pursuant to this section.

(l) The treasurer shall not allow any personal deposits to be made to a grant account on behalf of a qualified student.

(m) The treasurer may refer cases of fraudulent or substantial misuse of moneys to the attorney general for purposes of collection or criminal investigation.

(n) (1) A qualified student who is a resident of any of the following school districts shall be eligible to receive a grant under the program:

(A) Except as provided in paragraph (2), any school district in which the primary administrative office of such school district is located in Johnson, Sedgwick, Shawnee, Wyandotte, Douglas, Leavenworth, Riley, Butler, Reno or Saline county; or

(B) any school district that does not meet the requirements of subparagraph (A) if the board of education of the school district adopts a resolution to authorize students who are residents of the school district to be eligible to participate in the program pursuant to this section.

(2) (A) The board of education of a school district that otherwise meets the requirements of paragraph (1)(A) may adopt a resolution to opt out the students who are residents of the school district from participating in the program pursuant to this section if such school district had greater than 50% of the students enrolled in the school district who are eligible for free or reduced-price meals under the national school lunch act achieve proficiency

for grade level academic expectations by scoring at performance level 3 or 4 on the statewide math and English language arts assessments in the preceding school year.

(B) The board of education of a school district that otherwise meets the requirements of paragraph (1)(A) and has 10 or fewer students enrolled in each grade in such school district that are eligible for free or reduced-priced meals under the national school lunch act, may adopt a resolution to opt out the students who are residents of the school district from participating in the program pursuant to this section if the school district had greater than 50% of all students enrolled in the school district achieve proficiency for grade level academic expectations by scoring at performance level 3 or 4 on the statewide math and English language arts assessments in the preceding school year.

(C) Subparagraphs (A) and (B) shall only apply to students who took the math and English language arts assessments in the preceding school year. Any resolution adopted pursuant to this section shall only be valid for one school year. The board of education of any such school district may adopt a subsequent resolution if such school district meets the requirements of subparagraph (A) or (B).

New Sec. 10. (a) (1) There is hereby established in the state treasury the Kansas education enrichment program fund to be administered by the treasurer. Moneys in the Kansas education enrichment program fund shall be expended only for the purposes established in the Kansas education enrichment program act. All moneys received pursuant to subsection (b) shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Kansas education enrichment program fund.

(2) On or before the 10<sup>th</sup> day of each month, the director of accounts and reports shall transfer from the state general fund to the Kansas education enrichment program fund interest

earnings based on:

(1) The average daily balance of moneys in the Kansas education enrichment program fund; and

(2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(b) Notwithstanding the provisions of the Kansas education enrichment program established pursuant to state finance council resolution No. 22-741, of the \$50,000,000 state fiscal recovery funds of the American rescue plan act of 2021, public law 117-2, allocated by the state finance council for the purposes of the Kansas education enrichment program, or any other federal funds identified and approved for such purposes, the state treasurer shall make expenditures of such federal funds to administer the Kansas education enrichment program to provide awards pursuant to section 8, and amendments thereto, and grants pursuant to section 9, and amendments thereto, to qualified students.

(c) On or before the first day of each month, the treasurer shall determine whether the total amount of the federal fiscal recovery funds of the American rescue plan act of 2021, public law 117-2, and any other federal funds identified and made available for the purposes of the program are insufficient to continue to provide the awards and grants on behalf of qualified students pursuant to the program. If the treasurer determines that the amount of such federal funds is insufficient for such purposes, the treasurer shall certify such fact to the director of the budget. On and after such certification, the treasurer shall determine annually the total amount to be transferred to the Kansas education enrichment program fund by multiplying an amount equal to the BASE aid by the total number of qualified students participating in the program pursuant to section 9, and amendments thereto, and by multiplying \$1,000 by the number of qualified

students who will receive an award under the program for the succeeding school year pursuant to section 8, and amendments thereto. The treasurer shall certify the resulting total amount to the director of accounts and reports on or before August 1 of each year. Upon receipt of such certification, the director of accounts and reports shall transfer such certified amount from the state general fund to the Kansas education enrichment program fund. Transfers made in accordance with this section shall be considered demand transfers from the state general fund.

(d) (1) Except as provided in paragraph (2), if a qualified student has entered into a written agreement pursuant to section 9, and amendments thereto, the treasurer shall allocate to a qualified student a grant equal to 95% of the BASE aid.

(2) If a qualified student enrolls in a school district on a part-time basis, such qualified student or such student's parent shall notify the treasurer, who shall prorate the grant amount allocated pursuant to paragraph (1).

(3) The treasurer may deduct 5% of the BASE aid per qualified student participating in the program as reimbursement for the costs of administering the program.

(e) If a qualified student has been approved to receive an award pursuant to section 8, and amendments thereto, the treasurer shall allocate \$1,000 per qualified student to pay for educational goods and services from a qualified education service provider as provided in section 8, and amendments thereto, in accordance with the provisions of the program for the school year that such student was approved to receive the award.

(f) During each regular legislative session, the treasurer shall provide to the legislature an estimate of the amount required to fund the awards and grants for the next succeeding fiscal year.

New Sec. 11. (a) Nothing in the Kansas education enrichment program act shall be

construed to permit any governmental agency to exercise control or supervision over any nonpublic school or home school. Any nonpublic school, home school or tutor that accepts a payment from a parent of a qualified student participating in the program is not an agent of this state.

(b) The content or religious nature of a product or service may not be considered when determining whether payment for such product or service is an allowable expenditure.

(c) If the parent of a qualified student who is schooled at home makes application to enroll in the Kansas educational enrichment program, such application does not constitute registration pursuant to K.S.A. 72-4346, and amendments thereto. Nothing in the Kansas education enrichment program act shall be construed to require a parent to register with the state department of education pursuant to K.S.A. 72-4346, and amendments thereto.

(d) The state department of education shall include information about the program on the department's homepage and provide a link on such homepage to the information provided by the treasurer regarding the program.

Sec. 12. K.S.A. 2022 Supp. 72-3120 is hereby amended to read as follows: 72-3120. (a) Subject to the other provisions of this section, every parent or person acting as parent in the state of Kansas, who has control over or charge of any child who has reached the age of seven years and is under the age of 18 years and has not attained a high school diploma, a general educational development credential or a high school equivalency credential, shall require such child to be regularly enrolled in and attend continuously each school year:

(1) A public school for the duration of the school term provided for in K.S.A. 72-3115, and amendments thereto;

(2) a private, denominational or parochial school taught by a competent instructor for a

period of time which is substantially equivalent to the period of time public school is maintained in the school district in which the private, denominational or parochial school is located; or

(3) a combination of a public school and a private, denominational or parochial school for the periods of time referred to in paragraphs (1) and (2).

(b) If the child is 16 or 17 years of age, the child shall be exempt from the compulsory attendance requirements of this section if:

(1) The child is regularly enrolled in and attending a program recognized by the local board of education as an approved alternative educational program;

(2) the parent or person acting as parent provides written consent to allow the child to be exempt from the compulsory attendance requirements of this section and the child and the parent or person acting as parent attend a final counseling session conducted by the school during which a disclaimer to encourage the child to remain in school or to pursue educational alternatives is presented to and signed by the child and the parent or person acting as parent. The disclaimer shall include information regarding the academic skills that the child has not yet achieved, the difference in future earning power between a high school graduate and a high school drop out and a listing of educational alternatives that are available for the child;

(3) the child is regularly enrolled in a school as required by subsection (a) and is concurrently enrolled in a postsecondary educational institution, as defined by K.S.A. 74-3201b, and amendments thereto; or

(4) the child is subject to a court order that allows or requires the child to be exempt from the compulsory attendance requirements.

(c) A child that is a qualified student who is receiving a grant pursuant to the Kansas education enrichment program established pursuant to section 5 et seq., and amendments thereto,

shall be deemed to meet the requirements of this section.

~~(d)~~ Any child who is under the age of seven years, but who is enrolled in school, shall be subject to the compulsory attendance requirements of this section. Any such child may be withdrawn from enrollment in school at any time by a parent or person acting as parent of the child and thereupon the child shall be exempt from the compulsory attendance requirements of this section until the child reaches the age of seven years or is re-enrolled in school.

~~(d)~~~~(e)~~ Any child who is determined to be an exceptional child, except for an exceptional child who is determined to be a gifted child, under the provisions of the special education for exceptional children act shall be subject to the compulsory attendance requirements of such act and exempt from the compulsory attendance requirements of this section.

~~(e)~~~~(f)~~ Any child who has been admitted to, and is attending, the Kansas academy of mathematics and science, as provided in K.S.A. 72-3903 et seq., and amendments thereto, shall be exempt from the compulsory attendance requirements of this section.

~~(f)~~~~(g)~~ No child attending public school in this state shall be required to participate in any activity which is contrary to the religious teachings of the child if a written statement signed by one of the parents or a person acting as parent of the child is filed with the proper authorities of the school attended requesting that the child not be required to participate in such activities and stating the reason for the request.

~~(g)~~~~(h)~~ When a recognized church or religious denomination that objects to a regular public high school education provides, offers and teaches, either individually or in cooperation with another recognized church or religious denomination, a regularly supervised program of instruction that is approved by the state board of education, for children of compulsory school attendance age who have successfully completed the eighth grade, participation in such a

program of instruction by any such children whose parents or persons acting as parents are members of the sponsoring church or religious denomination shall be regarded as acceptable school attendance within the meaning of this act. Approval of such programs shall be granted by the state board of education, for two-year periods, upon application from recognized churches and religious denominations, under the following conditions:

(1) Each participating child shall be engaged, during each day on which attendance is legally required in the public schools in the school district in which the child resides, in at least five hours of learning activities appropriate to the adult occupation that the child is likely to assume in later years;

(2) acceptable learning activities, for the purposes of this subsection, shall include projects supervised by a parent or person acting as parent in agriculture and homemaking, work-study programs in cooperation with local business and industry and correspondence courses from schools accredited by the national home study council, recognized by the United States office of education as the competent accrediting agency for private home study schools;

(3) at least 15 hours per week of classroom work under the supervision of an instructor shall be provided, at which time students shall be required to file written reports of the learning activities they have pursued since the time of the last class meeting, indicating the length of time spent on each one, and the instructor shall examine and evaluate such reports, approve plans for further learning activities and provide necessary assignments and instruction;

(4) regular attendance reports shall be filed as required by law and students shall be reported as absent for each school day on which they have not completed the prescribed minimum of five hours of learning activities;

(5) the instructor shall keep complete records concerning instruction provided,

assignments made and work pursued by the students, and these records shall be filed on the first day of each month with the state board of education and the board of education of the school district in which the child resides;

(6) the instructor shall be capable of performing competently the functions entrusted thereto; and

(7) in applying for approval under this subsection a recognized church or religious denomination shall certify its objection to a regular public high school education and shall specify, in such detail as the state board of education may reasonably require, the program of instruction that it intends to provide and no such program shall be approved unless it fully complies with standards specified by the state board of education.

If the sponsors of an instructional program approved under this subsection fail to comply at any time with the provisions of this subsection, the state board of education shall rescind, after a written warning has been served and a period of three weeks allowed for compliance, approval of the programs, even though the two-year approval period has not elapsed, and thereupon children attending such program shall be admitted to a high school of the school district.

~~(h)~~(i) (1) Each board of education of a school district shall allow any child to enroll part-time in the school district to allow the student to attend any courses, programs or services offered by the school district if the child:

(A) Is also enrolled in a nonaccredited private elementary or secondary school pursuant to K.S.A. 72-4345, and amendments thereto, or in any other private, denominational or parochial school pursuant to the provisions of subsection (a);

(B) requests to enroll part-time in the school district; and

(C) meets the age of eligibility requirements for school attendance pursuant to K.S.A.

72-3118, and amendments thereto.

(2) Each board of education of a school district shall adopt a policy regarding the part-time enrollment of students pursuant to this subsection and shall publish such policy on the school district's website. The board of education of a school district shall make a good faith attempt to accommodate scheduling requests of students enrolling in the school district pursuant to this subsection but shall not be required to make adjustments to accommodate every such request.

(i) As used in this section:

(1) "Educational alternatives" means an alternative learning plan for the student that identifies educational programs that are located in the area where the student resides and are designed to aid the student in obtaining a high school diploma, general educational development credential or other certification of completion, such as a career technical education industry certification. Such alternative learning plans may include extended learning opportunities such as independent study, private instruction, performing groups, internships, community service, apprenticeships and online coursework.

(2) "Parent" and "person acting as parent" mean the same as such terms are defined in K.S.A. 72-3122, and amendments thereto.

(3) "Private school" includes competent, private instruction of a child directed by a parent or person acting as parent. "Private school" does not include instruction provided pursuant to subsection (c).

(4) "Regularly enrolled" means enrolled in five or more hours of instruction each school day. For the purposes of subsection (b)(3), hours of instruction received at a postsecondary educational institution shall be counted.

Sec. 13. K.S.A. 2022 Supp. 72-3120 is hereby repealed.";

Also on page 1, in line 35, by striking "Kansas register" and inserting "statute book";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after concerning; by striking all in lines 2 through 6 and inserting "education; making and concerning appropriations for the fiscal year ending June 30, 2024, for the state department of education; establishing the Kansas education enrichment program; authorizing educational award moneys to certain students who attend public schools and educational grant moneys to certain students who attend nonpublic schools; establishing the Kansas education enrichment program fund; requiring certain transfers thereto; amending K.S.A. 2022 Supp. 72-3120 and repealing the existing section.";

And your committee on conference recommends the adoption of this report.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Conferees on part of Senate

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Conferees on part of House