

SELECTED HOUSE AND SENATE

Education Summaries

2023 LEGISLATIVE SESSION
ENROLLED BILLS PASSED INTO LAW



MISSION

To prepare Kansas students for lifelong success through rigorous, quality academic instruction, career training and character development according to each student's gifts and talents.

VISION

Kansas leads the world in the success of each student.

MOTTO

Kansans Can

SUCCESS DEFINED

A successful Kansas high school graduate has the

- Academic preparation,
- Cognitive preparation,
- Technical skills,
- Employability skills and
- Civic engagement

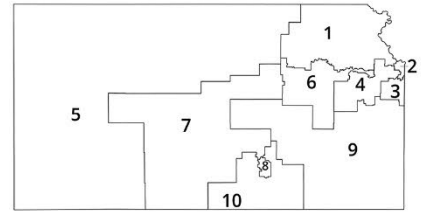
to be successful in postsecondary education, in the attainment of an industry recognized certification or in the workforce, without the need for remediation.

OUTCOMES

- Social-emotional growth
- Kindergarten readiness
- Individual Plan of Study
- Civic engagement
- Academically prepared for postsecondary
- High school graduation
- Postsecondary success



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Kansas leads the world in the success of each student.

Jan. 13, 2023

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2023 HOUSE AND SENATE EDUCATION SUMMARIES

Introduction

This booklet, **Selected Senate and House Education Summaries – 2023 Legislative Session**, is published annually to provide enrolled copies and summaries of selected education bills passed by the Kansas Legislature relating generally to Unified School Districts, Interlocal operatives, and private schools.

The summaries of the bills were prepared by the Kansas Legislative Research Department in cooperation with the Kansas Department of Education. Bills are summarized using the conference committee report briefs which are prepared by the Legislative Research Department. Conference committee report briefs may be accessed on the Kansas Legislature website:

<http://www.kslegislature.org/li/>

The bills chosen include important legislative information related to education. The bill in its entirety may be found and printed from the links below:

- Senate: http://www.kslegislature.org/li/b2023_24/measures/bills/senate/
- House: http://www.kslegislature.org/li/b2023_24/measures/bills/house/

To select a specific bill, type the bill number in the “Filter” search box on the right of the page, or scroll through the list of bills and resolutions in the center of the web page.

T:Legislative Session/Legislative Summaries/2023 Educ Summaries Book

2023 HOUSE AND SENATE EDUCATION SUMMARIES

Senate Bill 25

State Budget – Appropriations Omnibus bill; MHIT appropriation

SB 25 contains FY 2023 supplemental funding and FY 2024 and FY 2025 expenditure adjustments for certain state agencies. An overview of the Governor’s amended budget recommendations for FY 2023 through FY 2024 and the Omnibus Conference Committee’s adjustments to the Governor’s amended recommendations are reflected in this bill. The bill will become effective upon publication in the Kansas Register. [Note: This bill does **not include most of the funding for K-12 education**, which is separately contained in **House Sub. for SB 113**.]

Department of Education - Mental Health Intervention Team Pilot program

Add \$13.5 million SGF for the Mental Health Intervention Pilot program for FY 2024. In addition, add language to provide greater access to behavioral health services for students and establish a coherent structure between school districts and community mental health centers to optimize behavioral health resources and workforce.

Note: On May 13, 2023, the Governor vetoed Sec. 37(a) and removed language from SB 25 which she stated: “As written, this proviso would limit the type of mental health providers and practitioners who can participate in the programming – hampering our school districts’ ability to contract with a variety of professionals and preventing certain mental health professionals from assisting our students. If we truly want to address the youth mental health crisis and support our young people, we need to ensure that students have access to every resource available. We cannot leave dedicated, experienced mental health professionals on the sidelines as our students remain in need of care.”

STATE GENERAL FUND RECEIPTS, EXPENDITURES AND BALANCES

SB 25 – Profile (Dollars in Millions)

Item	Actual FY 2022	SB 25 FY 2023	SB 25 FY 2024
Beginning Balance	\$ 2,094.6	\$ 2,094.8	\$ 1,861.6
Receipts (April 2023 Consensus)	7,935.9	9,829.4	10,233.7
Governor’s Revenue Adjustments	0.0	(770.0)	193.4
Legislative Tax Adjustments	0.0	0.0	(90.6)
Legislative Receipt Adjustments	0.0	168.8	(85.2)
Adjusted Receipts	7,935.9	9,228.2	10,251.3
Total Available	\$ 10,030.7	\$ 11,062.7	\$ 12,112.9
Less Expenditures	8,196.2	4,741.2	4,928.1
HB 2302 – Milford and Perry Reservoirs	0.0	52.0	0.0
Education – House Sub for SB 113	0.0	4,407.8	4,595.1
Ending Balance	\$ 2,094.8	\$ 1,861.6	\$ 2,589.7
Ending Balance as a % of Expenditures	22.4%	20.3%	27.2%

###

Senate Bill 66

Interstate Teacher Mobility Compact and Verified Electronic Credentials

SB 66 enacts the Interstate Teacher Mobility Compact (Compact). In addition, the bill requires state licensing bodies to provide paper-based and verified electronic credentials to all credential holders and to also utilize a centralized electronic credential data management system.

Interstate Teacher Mobility Compact

The bill enacts the Compact, the provisions of which are outlined below. **[Note: The provisions of the Compact will be effective on the date that the tenth member state enacts the Compact statute into law.]**

PURPOSE

The bill states the purpose of the Compact is to facilitate the mobility of teachers across the member states with the goal of establishing a new and expedited pathway to licensure.

DEFINITIONS

The bill defines various terms used throughout the Compact.

LICENSURE UNDER THE COMPACT

The bill provides licensure requirements for states participating in the Compact. Member states compile a list of licenses that they are willing to consider for equivalency, including licenses that a state is willing to grant to teachers from other member states. The receiving state has the sole discretion of determining which license, if any, the teacher is eligible to hold. Receiving states are required to grant an equivalent license to any active military member and eligible military spouse, as defined in the bill, who holds a license that is not unencumbered. Receiving states are not required to grant an equivalent license to a career and technical education teacher who does not meet the receiving state's industry recognized requirements, including not holding a bachelor's degree.

LICENSURE NOT UNDER THE COMPACT

The bill states the Compact does not limit the ability of a member state to regulate its licensing authority, nor does the Compact impede member states' control of ownership or dissemination of teacher's information. In the event a teacher is required to renew a license received pursuant to the Compact, the receiving state is able to condition the renewal of the license on the teacher's completion of state-specific requirements.

TEACHER QUALIFICATIONS AND REQUIREMENTS FOR LICENSURE UNDER THE COMPACT

The bill states the Compact requires a teacher to hold an unencumbered license in a member state to be eligible to receive a license through the Compact. The unencumbered license requirement does not apply to active military members or eligible military spouses. If a teacher's license is accepted by the receiving state, the teacher will be required to then undergo a background check and provide other information as necessary to the receiving state.

DISCIPLINE AND ADVERSE ACTIONS

The bill states the Compact does not limit a member state's authority to impose disciplinary actions. Upon request of a member state, other member states are required to share information regarding investigations and discipline of teachers. The Compact requires member states to keep shared information secure. Prior to a state disclosing information it received, the state is required to inform the original state of its intent to disclose the information received.

ESTABLISHMENT OF THE INTERSTATE TEACHER MOBILITY COMPACT COMMISSION

The bill creates the Interstate Teacher Mobility Compact Commission (Commission) and includes provisions relating to the membership, voting, powers and duties, and financing of the Commission. It also creates an executive committee.

RULEMAKING

The bill authorizes the Commission to exercise rulemaking powers. Rules, or amendments to the rules, may be adopted or ratified at a regular or special meeting of the Commission. If a majority of the legislatures of the member states reject a rule, the rule will have no further force or effect. Additionally, if certain conditions are met, the Commission is required to grant the opportunity for a public hearing. In the event of an emergency, the Commission can adopt emergency rules.

FACILITATING INFORMATION EXCHANGE

The bill requires the Commission to facilitate the exchange of information.

OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

The bill provides for dispute resolution and appeals processes of Compact member states. In addition, the Commission is authorized to enforce the legal action in federal court against a member state.

EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

The bill states the Compact becomes effective on the date that the Compact statute is enacted into law in the tenth member state.

Any member state is allowed to withdraw from the Compact by enacting a statute that repeals the Compact, but this would not take effect until six months after the enactment of the repealing statute. Member states can amend the Compact, but any amendment will not be effective until it is enacted by all member states.

CONSTRUCTION AND SEVERABILITY

The bill requires the Compact to be liberally construed. The provisions of the Compact are severable.

CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

The bill states the Compact does not prevent the enforcement of any other law of a member state that is not inconsistent with the Compact. State laws that conflict with the Compact are superseded, to the extent of the conflict. All lawful actions of the Compact Commission are binding upon member states.

Verified Electronic Credentials

The bill requires licensing bodies to provide verified electronic credentials to persons regulated by the licensing body not later than January 1, 2025.

DEFINITIONS

The bill defines the term “electronic credential” or “electronic certification, license or registration” to mean an electronic method by which a person displays or transmits to another person information that verifies the status of a person’s certification, licensure, registration or permit as authorized by a licensing body and is equivalent to a paper-based certification, license, registration or permit.

The bill defines the term “person” to mean a natural person.

The bill defines the term “verification system” to mean an electronic method by which the authenticity and validity of electronic credentials are verified.

PAPER-BASED AND VERIFIED ELECTRONIC LICENSE, REGISTRATION, OR CERTIFICATION

The bill requires licensing bodies, upon submission of a completed application, to issue a paper-based and verified electronic license, registration, or certification to an applicant so that the applicant may lawfully practice the person’s occupation.

The bill also requires that an applicant who holds a valid current license, registration, or certification in another state, district, or territory of the United States receive a paper-based and verified electronic license, registration, or certification if certain conditions are met.

The bill allows a licensing body to satisfy requirements to provide a paper-based license, registration, certification, or permit by issuing an electronic credential to an applicant in a format that permits the applicant to print a paper copy of such electronic credential. Such paper copy is considered a valid license, registration, certification, or permit.

CENTRALIZED ELECTRONIC CREDENTIAL DATA MANAGEMENT SYSTEMS

Subject to appropriations, the bill requires the Secretary of Administration (Secretary) to develop and implement a uniform or singular license verification portal for the purpose of verifying or reporting license statuses such as credentials issued, renewed, revoked, or suspended by licensing bodies or that have expired or otherwise changed in status on or before January 1, 2025. The Secretary is permitted to utilize the services or facilities of a third party for the central electronic record system. The bill also requires the central electronic record system to comply with the requirements adopted by the Information Technology Executive Council.

The centralized electronic credential data management system must include an instantaneous verification system that is operated by the licensing body’s respective secretary, the secretary’s designee, or the secretary’s third party agent on behalf of the licensing body for the purpose of instantly verifying the authenticity and validity of electronic credentials issued by the licensing body. The bill requires the centralized electronic credential data management systems to maintain an auditable record of credentials issued by each licensing body.

The bill requires each licensing body, beginning January 1, 2025, to integrate with the uniform or singular license verification portal in the manner and format required by the Secretary indicating any issuance, renewal, revocation, suspension, expiration, or other change in status of an electronic credential.

The bill states that no charge for the establishment or maintenance of the uniform or singular license verification portal may be imposed on any licensing body or any person with a license, registration, certification, or permit issued by a licensing body.

The bill states that a licensing body is not prohibited or prevented from developing, operating, maintaining, or using a separate electronic credential system in addition to making reports to the central electronic record system. The bill also states that a licensing body is not prohibited or prevented from participating in a multi-state compact or a reciprocal licensure, registration, or certification process if the separate electronic credential system of the licensing body integrates with the uniform or singular license verification portal.

EXCEPTION FOR CERTIFICATION OF LAW ENFORCEMENT OFFICERS

The bill exempts the certification of law enforcement officers pursuant to the Kansas Law Enforcement Training Act from the credentialing provisions related to military service members, military spouses, and individuals establishing residency in Kansas, including the electronic credentialing requirements.

###

House Sub for Senate Bill 113

K-12 Education Appropriations and other provisions

House Sub. for SB 113 makes appropriations for the Kansas State Department of Education (KSDE) for FY 2023, FY 2024, and FY 2025; amends the Kansas School Equity and Enhancement Act (KSEEA) with regard to the calculation of State Foundation Aid and specific weightings; extends the high density at-risk weighting sunset; and amends various provisions of law related to K-12 education.

The bill also reduces the eligibility requirements for students who wish to take part in the Low-Income Students Scholarship Program, as well as increases the tax credit provision of the Low-Income Students Scholarship Program. In addition, the bill authorizes certain nonpublic school students to participate in activities regulated by the Kansas State High School Activities Association (KSHSAA).

The bill extends the 20 mill ad valorem tax levy for two years and provides for the disposition of school district real property and allows the Legislature the right of first refusal to acquire the property.

Appropriations for FY 2023, FY 2024, and FY 2025

The bill makes appropriations for the KSDE.

FY 2023

For KSDE, the bill:

- Appropriates \$5.9 million from the State General Fund (SGF) for Kansas Public Employees Retirement System (KPERs) school employer contributions of unified school districts (USDs);
- Appropriates \$541,000 from the SGF for Supplemental State Aid;
- Deletes \$8.0 million SGF from the KPERs non-USDs account; and
- Deletes \$79.3 million from State Foundation Aid.

FY 2024

For KSDE, the bill appropriates \$6.3 billion, including \$4.1 billion SGF. This amount includes \$5.2 billion, including \$4.1 billion SGF, for the major categories of school finance, KPERs-USDs, and KPERs non-USDs.

State General Fund. Appropriations from the SGF include the following:

- \$14.7 million for operating expenditures;
- \$47.9 million for State Foundation Aid;
- \$577,309 for Supplemental State Aid;
- \$80,000 for the Center for READing;
- \$29.8 million for KPERs non-USDs;
- \$531.9 million for KPERs-USDs;
- \$2.8 million for the ACT and WorkKeys Assessments Program;

- \$528.0 million for Special Education;

(continued) FY 2024 State General Fund appropriations from the SGF

- \$1.5 million for Career and Technical Education Transportation;
- \$300,000 for the Juvenile Transitional Crisis Center Pilot program;
- \$67,700 for Education Commission of the States dues;
- \$10,000 for the School Safety Hotline;
- \$5.0 million for School Safety and Security Grants;
 - Includes language to allow acquisition of naloxone hydrochloride products as an allowable expenditure in FY 2024;
- \$5.1 million for the School District Juvenile Detention Facilities and Flint Hills Job Corps Center Grants;
- \$2.5 million for School Food Assistance;
- \$1.3 million for the Mentor Teacher Program;
- \$110,000 for Educable Deaf-blind and Severely Handicapped Children's Programs Aid;
- \$360,693 for Governor's Teaching Excellence Scholarships and Awards;
- \$2.4 million for Supplemental State Aid;
- \$1.8 million for Professional Development State Aid;
- \$1.0 million for Computer Science Education Advancement Grants; and
- \$40,000 for the Computer Technical Education Pilot.

The bill deletes \$13.5 million for the Mental Health Intervention Team Pilot program. [Note: SB 25 appropriates this amount for FY 2024 to the KSDE for the Mental Health Intervention Team Pilot program.]

The bill authorizes school districts to expend **School Safety and Security Grants** for acquisition of communication devices and equipment necessary for effective communication among law enforcement, security services, and school, in addition to continuing allowable purposes.

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

- \$375,000 for the Children's Cabinet Accountability Fund;
- \$23.7 million for CIF grants;
- \$9.4 million for the Parent Education Program, also known as Parents as Teachers;
- \$4.2 million for the Pre-K Pilot Program and language to reappropriate the unencumbered ending balance;
- \$1.4 million for Early Childhood Infrastructure and language to reappropriate the unencumbered ending balance; and
- \$1.5 million for the Dolly Parton Imagination Library and language to reappropriate the unencumbered ending balance.

Transfers. The bill provides for the following transfers:

- \$50,000 on July 1, 2024, or as soon as moneys are available, from the Family and Children Trust Account of the Family and Children Investment Fund of KSDE to the Communities in Schools Program Fund of KSDE;
- \$550,000 on March 30, 2024, and \$550,000 on June 30, 2024, from the State Safety Fund to the SGF to reimburse costs associated with services provided by other state agencies on behalf of KSDE;
- \$81,250, quarterly, from the State Highway Fund of the Department of Transportation to the School Bus Safety Fund of KSDE;
- An amount certified by the Commissioner of Education from the Motorcycle Safety Fund of KSDE to the Motorcycle Safety Fund of the State Board of Regents, to cover costs of driver's license programs conducted by community colleges; and
- 70,000 from the Universal Service Administrative Company E-rate Program Federal Fund of the State Board of Regents to the Education Technology Coordinator Fund of KSDE.

The bill appropriates \$268,534 from the Kansas Endowment for Youth Fund for the Children's Cabinet administration.

The bill also authorizes the Commissioner of Education to transfer any part of an SGF appropriation for KSDE to another SGF appropriation for KSDE for FY 2024.

The bill appropriates \$43.8 million from the Expanded Lottery Act Revenues Fund (ELARF) for KPERS non-USDs.

Curriculum. The bill requires a survey to be conducted and a list of all school districts that used curriculum and training materials which include the three-cueing systems model of reading or visual memory program in the preceding school year to be provided to the Senate Committee on Education, House Committee on Education, and the K-12 Education Budget Committee.

FY 2025

State General Fund. For KSDE, the bill appropriates the following from the SGF:

- \$2.8 billion for State Foundation Aid;
- \$590.0 million for Supplemental State Aid; and
- \$535.5 million for Special Education Services Aid.

The bill also authorizes expenditures from the State School District Finance Fund and the Mineral Production Education Fund.

Disposition of School District Real Property; Legislature's Right to Refuse

The bill amends and creates law pertaining to USD real property to grant the Legislature the right of first refusal. The bill also creates a notification process of a school district board of education's intentions to dispose of a school building.

NOTICE OF DISPOSITION

First, a school district board of education is required to submit written notice of its intention to dispose of a building to the Legislature, by filing a notice with the Chief Clerk of the House and the Secretary of the Senate. The bill requires the notice to include:

- A description of the school district's use of the building immediately prior to the decision to dispose;
- The reasons for the building's disuse and the decision to dispose of the building;
- The legal description of the real property to be disposed of; and
- A copy of the resolution adopted by the board of education.

The bill provides for the Legislature's review, with timing depending on whether the Legislature is in session:

- If the notice is received during the regular session, the Legislature has 45 days to adopt a concurrent resolution stating the Legislature's intention for the State to acquire such building; or
- If the notice is received when the Legislature is not in session, the Legislature has 45 days from the commencement of its next regular session to adopt the concurrent resolution regarding the Legislature's intentions.

The bill prescribes the information to be stated in the concurrent resolution, including provisions naming the state agency that intends to acquire the building and the intended use of the building.

The bill further provides that, if the Legislature does not adopt a concurrent resolution within the 45-day period, the school district is allowed to proceed with the disposition of the school district building in accordance with state law.

If the Legislature adopts a concurrent resolution within the 45-day period, the state agency named in the resolution has 180 days to complete the acquisition of the school district building and take title to the real property. Upon the request of the acquiring state agency, the Legislative Coordinating Council is permitted to extend the 180-day period for a period of no more than 60 days. During the 180-day period and any authorized extension, a board of education is prohibited from selling, gifting, leasing, or otherwise dispensing of the building or any real property described in the required written notice. If the state agency does not take title within the 180-day period or its extension, the school district is permitted to proceed with disposition of the building.

Nonpublic School Students Participation in KSHSAA Activities

The bill allows any nonpublic school student to participate in any activities offered by a school district that are regulated, supervised, promoted, and developed by KSHSAA, as long as the student:

- Is a resident of the school district;
- Is enrolled and attending a nonpublic elementary or secondary school;
- Complies with the requirements of KSA 72-6262 and amendments thereto (health-related requirements); and
- Pays any fees required by the school district for participation in such activity.

The school district board of education could require a nonpublic school student who participates in an activity to enroll or complete a particular course as a condition of participation, if such requirement is imposed upon all other students who participate in such activity. Under the bill, KSHSAA could not prohibit any such student from participating in any activity available to such student as part of the student's primary enrollment and attendance at a nonpublic school. [Note: The provisions pertaining to nonpublic school student participation take effect on July 1, 2023.]

Special Education and Related Services Funding Task Force

The bill outlines the topics to be studied by the Special Education and Related Services Funding Task Force (Task Force), provides for the appointment and compensation of Task Force members, establishes the frequency and location of meetings, and requires a report to the Legislature.

TASK FORCE STUDY TOPICS

The Task Force is required to study and make recommendations for changes in the existing formula for the funding of special education and related services. In doing so, the Task Force is required to conduct hearings in order to receive and consider suggestions from subject matter experts and the public at large.

The Task Force is required to submit reports to the Legislature regarding the work and recommendations of the Task Force on or before January 14 of each year.

ORGANIZATION OF TASK FORCE

Membership

The Task Force consists of the following eleven members:

- Two members appointed by the Speaker of the House of Representative;
- Two members appointed by the President of the Senate;
- One member appointed by the Minority Leader of the House of Representatives;
- One member appointed by the Minority Leader of the Senate;
- One member appointed by the State Board of Education;
- Two members appointed by KSDE who are professionals in the field of special education and related services;
- One member appointed by KSDE who is professional in early childhood development

- services and provides services for a tiny-K program; and
- One member who is a parent of a student who receives special education services. The appointment is for one year, and responsibility for the appointment alternates between the Speaker and the President.

The bill requires the members of the Task Force to be appointed on or before July 1, 2023. Vacancies on the Task Force are filled by appointment in the manner provided for the original appointment.

TASK FORCE LEADERSHIP

The bill requires the Speaker of the House of Representatives to designate one of their appointments to call the first meeting of the Task Force. The chairperson and vice-chairperson of the Task Force are elected by the Task Force members.

COMPENSATION

If approved by the Legislative Coordinating Council, Task Force members attending meetings authorized by the Task Force receive compensation as provided under KSA 75-3223(e) for members of statutory boards, except for Task Force members employed by a state agency who are reimbursed by such state agency.

MEETINGS

The Task Force is authorized to meet in an open meeting at any time and at any place in the state upon the call of the chairperson. A majority of the voting members constitutes a quorum. Any action by the Task Force requires a motion adopted by a majority of voting members present when there is a quorum.

SUPPORT SERVICES

The bill requires the staff of the Office of Revisor of Statutes, Kansas Legislative Research Department, and Division of Legislative Administrative Services to provide assistance as requested by the Task Force.

DATA AND INFORMATION PROVIDED

The State Board of Education is required to provide consultants and assistance when requested by the Task Force and any information or documentation requested by the Task Force.

Compensating School Board Members

The bill authorizes school districts to compensate members of local boards of education for the work and duties performed by such members.

Nonresident Enrollment

The bill permits nonresident direct enrollment, beginning in school year 2024-2025, for students of school district employees and students experiencing homelessness. The bill also requires school districts to consider the adverse impact of homelessness on attendance when determining the school district's capacity to accept nonresident students. The bill also gives a priority to students who are children of a military parent, subject to capacity, to enroll and not be subject to the open seat lottery.

Low-income Students Scholarship Program

The bill updates the definition and criteria for a “qualified school” by modifying an accreditation requirement to include a nonpublic school that is working in good faith toward accreditation.

The bill changes the income eligibility for the scholarship from 185 percent of the federal poverty level to 250 percent of the federal poverty level. The bill also increases the tax credit for contributions to scholarship granting organizations from 70 percent to 75 percent of the amount contributed.

KSEEA - Amendments

The bill makes several amendments to the Kansas School Equity and Enhancement Act concerning specific weightings related to school district building closures. **[Note:** The Governor vetoed the section that would have utilized the current school year or previous school year enrollment numbers for the purpose of calculating State Foundation Aid.]

The bill modifies the low enrollment and high enrollment weightings for any school district that attaches territory of a disorganized school district or accepts students in the current year who attended in the previous year a school building in a school district that has since been closed by the district. The bill allows recipient districts to use the preceding year’s low enrollment factor for the next three years, or use the current low enrollment calculation if it is greater.

Continuing the 20 Mill Statewide Levy for Schools

The bill extends the ad valorem tax levy on taxable tangible property of the school district to include the 2023-2024 and 2024-2025 school years and continues the 20 mill statewide property tax for schools for the school years 2023-2024 and 2024-2025 to finance the portion of the school district’s general fund budget not otherwise funded by law.

School District Cost-of Living Weighting

The bill amends the formula by which the State Board of Education determines whether a school district may levy a tax to finance costs incurred by the State that are directly attributable to assignment of the cost-of-living weighting to the district’s enrollment, to multiply the statewide average appraised value of single family residences by 115 percent rather than 125 percent. The bill also provides for an increase in the cost-of-living weighting cap from 5 percent to 7 percent in the 2023-2024 school year. The bill provides for ensuing yearly increases in the cap using the preceding three-year average of the Consumer Price Index for the urban region as an inflation increase. **[Note:** This weighting is funded by a local mill levy with no impact on the SGF.]

School District High Density At-Risk Weighting Sunset Extension

The bill extends the high density at-risk weighting sunset from July 1, 2024, to July 1, 2027.

School District Capital Improvements

The bill also removes language included in 2022 Senate Sub. for HB 2567 that required a transfer of revenue from the SGF to the School District Capital Improvements Fund. Starting in FY 2024, the bill reverts the transfer to a demand transfer in accordance with KSA 72-5462.

Effective Date

The bill is in effect upon publication in the Kansas Register, unless otherwise noted.

House Sub for Senate Bill 123

Excerpt from HS for SB 123 concerning students in grades 9-12:

Career and Technical Education Credential and Transition Incentive for Employment Success Act

The bill establishes the Career and Technical Education Credential and Transition Incentive for Employment Success Act.

The bill requires all school districts and colleges that offer career technical education (CTE) for students in grades 9–12 to, upon request of the student, pay any fees associated with any assessment or examination required for the student to obtain the industry-sought credential associated with the student’s CTE program.

The bill defines the term “industry-sought credential” as a CTE credential that meets the following criteria:

- Repeatedly referenced in job postings; and
- Frequently referred to by employers in communications with a school district as a CTE credential in demand.

The bill requires the State Board of Education (State Board) and KBOR, on or before July 1, 2023, and on an annual basis thereafter, to jointly approve a list of industry-sought credentials. The Board and KBOR are required to consult with the following individuals when determining the list of credentials:

- Secretary of Labor;
- Secretary of Commerce; and
- Representatives of industries that recognize CTE credentials.

The bill further requires the State Board and KBOR to conduct an annual survey commencing on or before July 1, 2023, of all CTE credentials offered by school districts and colleges which meet the definition of “industry-sought credential.”

###

Senate Bill 180

Women’s Bill of Rights; Biological Sex Definition; Standard of Judicial Review; SB 180

SB 180 establishes the Women’s Bill of Rights and provides a definition of biological sex for purposes of statutory construction. The bill sets intermediate constitutional scrutiny as the standard of judicial review to be applied with regard to laws and rules and regulations that distinguish between the sexes and identifies those areas where distinctions between the sexes are related to important governmental objectives. The bill also requires certain entities that collect vital statistics for the purposes outlined in the bill to identify each individual who is part of the collected data set as either male or female at birth. The bill includes that individuals born with a medically verifiable diagnosis of disorder/differences in sex development are to be provided available federal and state legal protections.

DEFINED TERMS

The bill provides that, despite any provision of state law to the contrary, the following apply with respect to the application of an individual’s biological sex pursuant to any state laws or rules and regulations:

- An individual’s “sex” means an individual’s sex at birth, either male or female;
- A “female” means an individual whose biological reproductive system is developed to produce ova;
- A “male” means an individual whose biological reproductive system is developed to fertilize the ova of a female;
- “Woman” and “girl” refer to human females, and “man” and “boy” refer to human males;
- “Mother” means a parent of the female sex, and “father” means a parent of the male sex; and
- With respect to biological sex, separate accommodations are not inherently unequal.

STANDARD OF JUDICIAL REVIEW

The bill notes that laws and rules and regulations that distinguish between the sexes are subject to intermediate constitutional scrutiny. The bill states intermediate constitutional scrutiny prohibits unfair discrimination against similarly situated male and female individuals but allows the law to distinguish between the sexes where such distinctions are substantially related to important governmental objectives.

The bill requires and states that, despite any provision of state law to the contrary, distinctions between the sexes be considered substantially related to the important governmental objectives of protecting the health, safety, and privacy of individuals, with respect to the following areas:

- Athletics;
- Prisons or other detention facilities;
- Domestic violence centers;
- Rape crisis centers;
- Locker rooms;
- Restrooms; and
- Other areas where biology, safety, or privacy are implicated that result in separate accommodations.

VITAL STATISTICS COLLECTION

The bill requires any school district, or public school, and any state agency, department, or office or political subdivision to identify each individual as either male or female at birth who is part of collected vital statistics data sets for the purpose of complying with anti-discrimination laws or gathering accurate public health, crime, economic, or other data.

House Bill 2080

Virtual State Assessments for Virtual School Students

HB 2080 enacts law supplemental to the Virtual School Act to allow any student enrolled full-time in a Kansas virtual school to take statewide assessments, required by state law, in a virtual setting.

The bill requires the administration of any virtual statewide assessment to meet the following conditions:

- The assessment must be administered to the student at an assigned date and time;
- The assessment must be administered during a synchronous session that is started and managed by an employee of the virtual school;
- The assessment administered in the virtual setting must be the same assessment administered to students enrolled in a virtual school but taking the assessment in an in-person setting;
- The student must be monitored by the assessment proctor via a camera for the length of the assessment;
- If the assessment's platform does not allow for integrated camera proctoring, the bill would require the student to use two devices during the assessment;
- The device on which the student will be taking the test must be equipped with browser lockdown software which is in operation for the length of the assessment;
- A proctor cannot monitor more than ten students during the administration of the assessment;
- The student cannot exit the assessment platform until instructed to by the proctor; and
- The completed assessment must be verified by the assessment administrator.

The bill requires the State Department of Education to implement the provisions of the bill using the Department's funds for the administration of all statewide assessments.

###

House Bill 2138

School Boards, Overnight Accommodations and Review of Building Closure Resolutions; Local Broadcasters and KSHSAA

Senate Sub. for HB 2138 requires school district boards of education to adopt a policy regarding separate oversight accommodations for students of each biological sex during school district sponsored travel, permits local broadcasters to broadcast a school's regular or postseason activities under certain criteria, and provides for administrative review by the State Board of Education (State Board) of resolutions adopted by school district boards to permanently close a school building.

Effective Date

The bill provides that the provisions relating to a resolution to close a school building, and the potential subsequent review of such resolution, will go into effect and be in force from and after January 1, 2024, and publication in the statute book. All other provisions will be in effect upon publication in the statute book.

Overnight Accommodations

The bill requires each school district's board of education to adopt a policy requiring that separate overnight accommodations be provided for students of each biological sex during school district sponsored travel that requires overnight stays.

REPORTING AND RETALIATION

The bill provides a private cause of action against a school district for any student who is subject to retaliation or adverse actions by a school district or its employees as a result of reporting a violation relating to the overnight accommodations policy. The bill requires such civil actions to be initiated within two years after the harm occurred. Students prevailing in such action would be entitled to monetary damages, including monetary damages for psychological, emotional, and physical harm suffered; for reasonable attorney fees and costs; and for other appropriate relief.

DEFINITIONS

The bill establishes definitions for the following terms:

- "Biological sex" means the biological indication of male and female in the context of reproductive potential or capacity, such as sex chromosomes, naturally occurring sex hormones, gonads and non-ambiguous internal and external genitalia present at birth, without regard to an individual's psychological, chosen, or subjective experience of gender; and
- "School district sponsored travel" means any travel that is necessary for students to attend, participate, or compete in any event or activity that is sponsored or

- sanctioned by a school operated by the school district, including, but not limited to, any travel that is organized:
 - By any club or organization recognized by the school;
 - Through any communication facilitated by the school, such as email; or
 - Through fundraising activities conducted, in whole or in part, by school district employees or on school district property.

Local Broadcasters; Postseason Activities; Contracts and Agreements

The bill permits local broadcasters to broadcast a school's postseason activities, notwithstanding exclusive contracts entered into by the Kansas State High School Activities Association (KSHSAA) for the purpose of broadcasting postseason activities. [Note: KSHSAA has an exclusive broadcast agreement with the National Federation of State High School Associations. The current agreement has five years remaining, along with an optional extension if specific performance metrics are met.]

DEFINITIONS

The bill defines various terms, including:

- “Activity” and “activities” mean school activities and contests in the fields of athletics, music, forensics, dramatics, and any other interschool extracurricular activities by students enrolled in any of the grades from 7 to 12, inclusive;
- “Broadcast” means the live or recorded audio or video transmission of an activity, play-by-play, or similar accounts of such activity via radio, television, internet, or other technologies;
- “Exclusive broadcast agreement” means an agreement entered into between KSHSAA and an organization to broadcast association activities under which such organization retains:
 - Sole rights to broadcast such activities; or
 - First right to broadcast such activities; and
- “Local broadcaster” means an organization, located in Kansas, that provides local broadcast services for any activity of a local school. [Note: “Local broadcaster” does include a student organization broadcast that is offered as an educational course or program by the school.]

APPLICABILITY

Current law allows KSHSAA to enter into an exclusive broadcast agreement for a postseason activity. The bill provides that if KSHSAA enters into or renews an exclusive broadcast agreement to broadcast a regular season activity or postseason activity, local broadcasters would not be prohibited from broadcasting a school's regular season activity or postseason activity if the local broadcaster:

- Provides broadcast services for the school that is participating in the postseason activity;
- Broadcasts at least one-third of the events of such activity during the regular season; and
- Entered into valid broadcast agreements to broadcast the events of the activity during the regular season.

The bill will not prohibit KSHSAA from requiring local broadcasters to enter into a postseason broadcast agreement with stipulations. Stipulations include, but are not be limited to:

- Reasonable compensation for broadcasts, except that no fee shall be charged for such broadcasts;
- Approval by the site hosting the event;
- Limitations on organizations that are permitted to sponsor part of the broadcast; and
- Requirements for competent and professional announcers.

Resolution to Close a School Building

Under current law, a board of education of any unified school district may adopt a resolution to close any school building at any time the board determines the building should be closed to improve the school system. Prior to the adoption of the resolution, a public hearing on the proposal to close a school building must be held. In order for the resolution to be adopted, a majority of the members of the local board of education must vote to adopt the resolution.

REQUEST FOR REVIEW

The bill allows citizens to request the State Board to conduct an administrative review of a resolution to close a school building. The State Board would be required to conduct an administrative review of a resolution if at least 5.0 percent of registered voters of such school district sign a request for administrative review.

The bill specifies that a request for administrative review would need to be received by the State Board no later than 45 days after the adoption of the resolution to close a school building. If the State Board receives more than one request for review on the same resolution to close a school building, the request(s) received after the initial request could be dismissed or could be combined with the initial request. The bill clarifies that a resolution to close a school building would not be effective until the 45-day time period to request a review has lapsed, so long as no request for review has been received by the State Board.

ADMINISTRATIVE REVIEW

The State Board will be required to review the resolution to determine whether it is reasonable under the totality of the circumstances. The bill requires an advisory determination to be issued to the school district no later than 45 days after receipt of the request for review. The advisory determination could include recommendations to modify or to rescind the original resolution to close the school building.

RECONSIDERATION

Upon receipt of the State Board's advisory determination, the local board of education will be required to reconsider the original resolution to close a building. In reconsidering the resolution, the local board of education is required to hold a public hearing. Upon the conclusion of a hearing, the local board of education may issue one of the following determinations on the original resolution:

- Approve the resolution to close the school building;
- Modify and approve the resolution to close the school building; or
- Rescind the resolution to close the school building.

DEFINITIONS

The bill defines the term “school building” to mean any building or structure operated or maintained by the board of education of a unified school district.

###

House Bill 2238

Fairness in Women's Sports Act

HB 2238 creates the Fairness in Women's Sports Act (Act) and requires interscholastic, intercollegiate, intramural, or club athletic teams or sports that are sponsored by public educational entities or any school or private postsecondary educational institution whose students or teams compete against a public educational entity to be expressly designated based on biological sex.

[**Note:** This bill appeared in the first publication as a vetoed bill (vetoed by Governor on March 17). On April 5, motions to override the veto on HB 2238 prevailed in the House and Senate. The bill summary is reprinted to reflect passage of the bill.]

DEFINITIONS

- "Biological sex" means the biological indication of male and female in the context of reproductive potential or capacity, such as sex chromosomes, naturally occurring sex hormones, gonads, and nonambiguous internal and external genitalia present at birth, without regard to an individual's psychological or chosen, or subjective experience of gender;
- "Public educational entity" means any public school or postsecondary educational institution;
 - The bill defines a "public school" as any elementary or secondary school maintained and operated by a school district; and
- "School" means any nonpublic school offering any of the grades kindergarten through 12.

ATHLETIC TEAM CRITERIA

The bill requires all interscholastic, intercollegiate, intramural, and club athletic teams that are sponsored by public educational entities or any school or private postsecondary institutions whose students compete against teams from other public educational institutions to be expressly designated as one of the following, based on the biological sex of the team members:

- Males, men, or boys;
- Females, women, or girls; or
- Coed or mixed.

The bill further specifies that athletic teams or sports designated for females, women, or girls shall not be open to students of the male sex.

[**Note:** The bill does not exclude students of the female sex from participating on athletic teams designated for males, men, or boys.]

RULES AND REGULATIONS

The bill requires the Kansas State High School Activities Association (KSHSAA), the Kansas Board of Regents, and the governing bodies for municipal universities, community colleges, and technical colleges to adopt rules and regulations for the implementation of the designations of their athletic teams.

PROHIBITION OF COMPLAINTS

The bill prohibits governmental entities, licensing organizations, accrediting organizations, or athletic associations or organizations from taking the following actions against public educational entities that maintain separate teams for students of the female sex:

- Entertaining a complaint;
- Opening an investigation; or
- Taking other adverse actions.

RESOLVING VIOLATIONS

In the event of a violation of the Act, the bill allows the following individuals and organizations to file civil suit and seek relief in the form of monetary damages, reasonable attorney fees, and other appropriate relief:

- Any student deprived of an athletic opportunity or who suffers direct or indirect harm by a violation of the Act;
- Any student subjected to retaliation or other adverse action by a public educational entity or athletic association or organization for reporting a violation of the Act; or
- Any public educational entity that suffers direct or indirect harm as a result of a violation of the Act.

The bill requires all civil actions to be initiated no later than two years after the harm occurred.

SEVERABILITY

The bill declares all sections of the Act to be severable in the event one or more sections are determined to be invalid.

###

2023 HOUSE AND SENATE EDUCATION SUMMARIES

House Bill 2292

HB 2292 creates the Kansas Apprenticeship Grant – below are excerpts from the bill:

Kansas Apprenticeship Act and Engineering Graduate Incentive Grants

Kansas Apprenticeship Act

Career and Technical Education (CTE) Program

In addition to the credit allowed for an apprentice in tax years commencing after December 31, 2025, the bill also allows an eligible employer to claim a tax credit for an apprentice who is enrolled in a secondary or postsecondary CTE program, is under 18 years of age at the time the credit is claimed, has been employed by the eligible employer for at least 90 days, and is participating in:

- An apprenticeship program registered with the Secretary and funded through the Carl D. Perkins Career and Technical Education Act of 2006, as revised by the Strengthening Career and Technical Education for the 21st Century Act;
- An adult basic education and literacy program funded under Title II of the Workforce Innovation and Opportunity Act; or
- A public workforce program funded under Title I and Title III of the Workforce Innovation and Opportunity Act.

An eligible employer is required to claim the credit in the taxable year next succeeding the calendar year in which the requirements to claim the credit are met.

The bill limits the amount of the credit to not exceed \$500 and limits the number of credits an eligible employer may claim per tax year to no more than 10 credits.

AGREEMENT WITH THE SECRETARY OF COMMERCE

The bill requires eligible employers to enter into an agreement regarding the employment of apprentices with the Secretary on such terms and conditions as the Secretary may require.

Kansas Educator Registered Apprenticeship Grant Program (Kansas Apprenticeship Act)

The bill also creates the Kansas Educator Registered Apprenticeship Program (Educator Program) and directs the State Board of Education, Commissioner of Education, and the Secretary to coordinate to develop the Educator Program, obtain necessary approvals under state and federal law, and administer the Educator Program, which will award grants to education apprentices attending applicant schools for the purpose of increasing the number of qualified, credentialed teachers in Kansas by identifying candidates to participate in the Educator Program, secure licensure, and engage in the profession of teaching in Kansas. Grants are to be awarded upon the approval of the Secretary.

The bill requires the State Board of Education, in coordination with the Secretary, to adopt, by March 1, 2024, rules and regulations to implement the Educator Program, including establishing:

The grant application procedure and forms;

- Terms and conditions for the award of a grant, which are to include requiring partnerships between applicant schools and eligible training instruction providers, requiring the identification of projected candidates in the manner designated by the Secretary, and the use of grant funds for the payment of apprentice tuition, fees, and the cost of books and materials, up to a maximum of \$2,750 per year for four years;
- Prioritization of grant applications providing for the apprentice to continue current employment by utilizing flexible learning models; and
- A method to award grants equitably across the state geographically.

The bill requires the Commissioner of Education and the State Board of Education, in coordination with the Secretary, to annually evaluate the Educator Program beginning in 2025 and submit a report of the evaluation to the House and Senate committees dealing with education and commerce by January 31 of each succeeding year.

KANSAS EDUCATOR REGISTERED APPRENTICESHIP GRANT PROGRAM FUND

The bill creates the Kansas Educator Registered Apprenticeship Grant Program Fund (Educator Program Fund), to be administered by the Secretary. The bill provides for expenditures from the Educator Program Fund to be made to award grants under the Educator Program. Expenditures from the Educator Program Fund are to be made in accordance with appropriations acts. The bill provides for an annual transfer, beginning July 1, 2023, of \$3.0 million SGF to the Educator Program Fund, and any unencumbered balance of the Educator Program Fund at the end of each fiscal year would remain in the Educator Program Fund for use in the succeeding fiscal year, but may not exceed \$3.0 million. On June 30, 2024, and each June 30 thereafter, the Director of Accounts and Reports is required to transfer the amount, if any, of unencumbered moneys in the Educator Program Fund in excess of \$3.0 million to the SGF.

###

House Bill 2322

Updated Definitions and References, 'Emotional Disability' and 'Children with Disabilities'

HB 2322 amends provisions within the Special Education for Exceptional Children Act to define the term "emotional disability," revise the definition of "children with disabilities" to include dyslexia, and replace the term "emotional disturbance" with "emotional disability." The bill also makes similar updates in the definition of "individuals with disabilities" used in law relating to transition planning services for individuals with disabilities.

The bill defines "emotional disability" to mean the same as the term "emotional disturbance" is used in the federal Individuals with Disabilities Education Act (IDEA; PL 101-476).

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