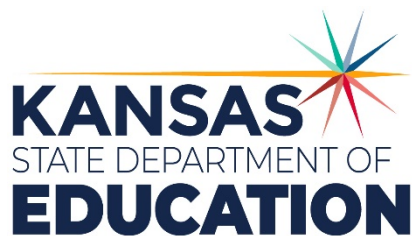


Selected House & Senate
**Education
Summaries**



2021 LEGISLATIVE SESSION
ENROLLED BILLS PASSED INTO LAW



Kansas leads the world in the success of each student.

HB 2134 summary updated Nov. 2021



KANSAS STATE BOARD OF EDUCATION

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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.

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Kansas leads the world in the success of each student.

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A successful Kansas high school graduate has the

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

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OUTCOMES

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- Individual Plan of Study focused on career interest
- High school graduation
- Postsecondary success

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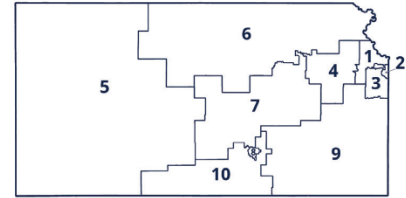


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The Kansas State Board of Education does not discriminate on the basis of race, color, national origin, sex, disability or age in its programs and activities and provides equal access to any group officially affiliated with the Boy Scouts of America and other designated youth groups. The following person has been designated to handle inquiries regarding the nondiscrimination policies: KSDE General Counsel, Office of General Counsel, KSDE, Landon State Office Building, 900 S.W. Jackson, Suite 102, Topeka, KS 66612, (785) 296-3201.

April 27, 2021

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INTRODUCTION

This booklet, **Selected Senate & House Education Summaries – 2021 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/b2021_22/measures/bills/senate/

House: http://www.kslegislature.org/li/b2021_22/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.

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Senate Bill 13

Property tax; Revenue-Neutral Rate (refer to HB 2104 for amendments)

SB 13 repeals the property tax lid law applicable to cities and counties and certain budget requirements applicable to other municipalities, establishes notice and public hearing requirements for certain taxing subdivisions seeking to collect property taxes in excess of the subdivision's revenue-neutral rate, prohibits valuation increases resulting solely from normal maintenance of existing structures, and expands the allowed acceptance of partial payments or payment plans for property taxes. The bill is in effect upon publication in the *Kansas Register*.

Tax Lid Repeal

The bill eliminates, effective January 1, 2021, the property tax lid that currently requires a public vote for certain property tax increases by cities and counties. The bill also eliminates a requirement that municipalities, other than cities and counties, that levy at least \$1,000 in property taxes not approve any budget that includes revenue produced by property taxes in excess of the amount produced the preceding year without first publishing notice in the official county newspaper where the municipality is located of the budget and the scheduled vote thereon.

Notice and Public Hearing Requirements

The bill establishes new notification and public hearing requirements for all taxing subdivisions seeking to increase property taxes above those provided for by their "revenue-neutral rate." A taxing subdivision is prohibited from levying taxes exceeding its revenue-neutral rate without first approving a resolution or ordinance in accordance with the procedure provided by the bill.

The bill requires county clerks to notify taxing subdivisions of their revenue-neutral rate by June 15. "Revenue-neutral rate" means the tax rate for the current tax year that would generate the same amount of property tax revenue as levied the previous tax year, using the current tax year's total assessed valuation.

Governing bodies of taxing subdivisions are required to publish notice of their intent to exceed the revenue-neutral rate. The bill requires the notice to include the date, time, and location of a public hearing on the resolution or ordinance providing for the levy. The bill requires publication on such governing body's website at least ten days in advance of the hearing and in a weekly or daily newspaper that has general circulation within the county. Taxing subdivisions are required to notify county clerks by July 15 of their intent to exceed the revenue-neutral rate, including information concerning the hearing.

Beginning in tax year 2022, county clerks are required to mail notification of the intent of the taxing subdivision to each taxpayer with property within the taxing subdivision at least ten days in advance of the public hearing. County clerks are required to consolidate the information for all taxing subdivisions relevant to each piece of property on one notice. Notifications may be sent by electronic means with the consent of the taxpayer.

SB 13 (continued)*Property tax; refer to HB 2104 for amendments*

The bill creates the Taxpayer Notification Costs Fund in the State Treasury and provides, for calendar years 2022 and 2023, for any printing and postage costs incurred by county clerks to be reimbursed by that fund. County clerks are required to notify the Secretary of Revenue of such costs, and the Secretary will certify such amounts to the Director of Accounts and Reports, who will then be required to transfer an equal amount of money from the State General Fund to the Taxpayer Notification Costs Fund.

Any printing and postage costs incurred by county clerks for required notices that are not reimbursed from the Taxpayer Notification Costs Fund will be borne by the taxing subdivisions proposing to exceed their revenue-neutral rates in proportion to the total property tax levied by the subdivisions.

The bill requires the notifications to contain:

- The revenue-neutral rate for each relevant taxing subdivision;
- The proposed tax rate and amount of tax revenue to be levied by each taxing subdivision seeking to exceed its revenue-neutral rate;
- The tax rate and amount of tax from each taxing subdivision for the property from the previous year's tax statement;
- The appraised value and assessed value for the taxpayer's property for the current year;
- The estimated amount of tax for the current year for each subdivision based on the revenue-neutral rate and any tax rate in excess of the revenue-neutral rate and the difference between such amounts for any taxing subdivision seeking to exceed its revenue-neutral rate;
- The date, time, and location of the public hearing for each taxing subdivision seeking to exceed its revenue-neutral rate; and
- Information concerning statutory mill levies imposed by the State of Kansas.

The bill requires the hearing on the resolution or ordinance providing for a taxing subdivision to exceed its revenue-neutral rate to be held by September 10 (Senate Sub. for HB 2104 amends to September 20) and to include an opportunity for interested taxpayers to present testimony within reasonable limits and without unreasonable restrictions on the number of individuals allowed to comment. The governing body of each taxing subdivision is required to approve exceeding the revenue-neutral rate by a majority vote at the public hearing.

Taxing subdivisions failing to comply with the notice and hearing procedures are required to refund any property taxes collected in excess of the revenue-neutral rate.

The bill requires information regarding the revenue-neutral rate and taxing subdivision's decision to levy taxes in excess of the rate to be published in the taxing subdivision's annual budget form prescribed by the Division of Accounts and Reports.

SB 13 (continued)

*Property tax; refer to HB 2104 for amendments****Prohibited Valuation Increases***

The bill prohibits an increase in the appraised value of real property solely as a result of normal repair, replacement, or maintenance of existing structures, equipment, or other improvements on the property.

Partial Payments and Payment Plans

The bill authorizes county treasurers to accept partial payments and establish payment plans for all property taxes. Current law allows county treasurers to accept partial payments for delinquent property taxes.

NOTE: Calculating the revenue-neutral rate and important dates under new law SB13 & HB2104

The “**revenue-neutral rate**” is the tax rate that will raise the same tax dollars as were raised in the prior year. It is calculated using the total assessed valuation for a school district. However, the first \$20,000 of residential property is exempt from the 20-mill general fund levy, making that valuation smaller than the total valuation.

Additionally, the mill rate for the general fund is set by statute at 20 mills. As a result of these two factors, virtually any USD with increasing valuation will exceed the revenue-neutral rate.

If a school district intends to exceed the “revenue-neutral rate,” they must notify the county clerk of their new tax rates by July 20. The county clerk must notify each individual taxpayer of their specific tax increase.

The school district must then hold a hearing on that revenue-neutral rate between August 20 and September 20, and must submit their adopted budget to KSDE and county clerk by September 20.

However, school districts that will not exceed the revenue-neutral rate are still required to submit their budget no later than August 25 (current law).

Senate Sub. for House Bill 2104 (amends SB 13)***Revenue-neutral rate notice & hearing date changes; USD budget certification***

Below are the excerpts which will affect school districts:

Revenue-neutral Rate Notice and Hearing Date Changes

The bill modifies several dates enacted in 2021 SB 13. The bill changes the earliest possible date for a taxing subdivision to consider exceeding the revenue-neutral rate from August 10 to August 20 and the latest possible date for such hearing from September 10 to September 20. The bill changes the date by which taxing subdivisions required to conduct a public hearing to exceed the revenue-neutral rate must certify the amount of property tax to be levied from September 20 to October 1.

School District Budget Certification

The bill allows school districts required to hold a hearing for exceeding the district's revenue-neutral rate pursuant to the provisions of 2021 SB 13 to certify their budgets to the State Board of Education as late as September 20. Current law requires all school districts to certify their budgets to the State Board of Education by August 25, which remains the applicable certification date for school districts not required to hold a hearing for exceeding the district's revenue-neutral rate.



Senate Bill 40

Excerpts on Local Board Actions during COVID-19 State of Disaster Emergencies

SB 40 creates and amends law regarding the Kansas Emergency Management Act (KEMA), state of disaster emergencies, the Legislative Coordinating Council, and the COVID-19 health emergency. The bill became effective March 25, 2021, upon publication in Issue 12A of the *Kansas Register*.

Local School Board Actions during COVID-19 State of Disaster Emergency (New Section 1)

The bill creates a section of law providing that, during the COVID-19 state of disaster emergency, only the board of education responsible for the maintenance, development, and operation of a school district (local school board) shall have the authority to take any action, issue any order, or adopt any policy made or taken in response to such disaster emergency that affects the operation of any school or attendance center of the school district, including, but not limited to, any action, order, or policy that:

- Closes or has the effect of closing any school or attendance center of such school district;
- Authorizes or requires any form of attendance other than full-time, in-person attendance at a school in the school district, including, but not limited to, hybrid or remote learning; or
- Mandates any action by any students or employees of a school district while on school district property.

Any such action, order, or policy shall only affect the operations of schools under the jurisdiction of the local school board and shall not affect the operation of nonpublic schools.

During any such disaster emergency, the State Board of Education, the Governor, the Department of Health and Environment, a local health officer, a city health officer, or any other state or local unit of government may provide guidance, consultation, or other assistance to the local school board but may not take any action related to such disaster emergency that affects the operation of any school or attendance center of the school district.

Any meeting or hearing of a local school board discussing an action taken, order issued, or policy adopted shall be open to the public and may be conducted by electronic audio-visual communication when necessary to secure the health and safety of the public, the board, and employees.

Grievance Process for Actions Taken by School Boards; Request for Hearing

The bill provides that an employee, a student, or the parent or guardian of a student aggrieved by an action taken, order issued, or policy adopted by a local school board under the above provisions or by an action of any employee of a school district violating any such action, order, or policy may request a hearing by such board to contest the action within 30 days of the action, and such request shall not stay or enjoin the action, order, or policy.

SB 40 (continued) *Local School Board Actions during COVID-19 State of Disaster Emergency*

Upon receipt of a request for a hearing, the local school board must conduct a hearing within 72 hours of receiving such request for the purposes of reviewing, amending, or revoking such action, order, or policy. The board must issue a decision within seven days after the hearing is conducted. The board may adopt emergency rules of procedure to facilitate the efficient adjudication of any hearing requested under these provisions, including, but not limited to, rules for consolidation of similar hearings.

The bill allows any party aggrieved by such decision of the local school board to file a civil action, within 30 days after the issuance of the decision, in the district court of the county where the party resides or in Shawnee County District Court. Notwithstanding any order issued by the Chief Justice regarding deadlines or time limitations during a state of disaster emergency, the bill requires the court to conduct a hearing within 72 hours of receiving a petition in such action. The court must grant the request for relief unless the court finds the action, order, or policy is narrowly tailored to respond to the state of disaster emergency and uses the least restrictive means to do so. The bill requires the court to issue an order on such petition within seven days after the hearing. If the court does not do so, the relief requested in the petition shall be granted. Relief under these provisions may not include a stay or injunction concerning the contested action, order, or policy that applies beyond the county in which the petition was filed, and the Supreme Court may adopt emergency rules of procedure to facilitate the efficient adjudication of any hearing under these provisions, including rules for consolidation of similar hearings.

Amendment and Repeal of Additional Statutes (Sections 13 and 15)

The bill amends a statute regarding the State Finance Council to remove a reference to the KEMA statute regarding responsibilities during a state of disaster emergency to reflect the other amendments made by the bill.

The bill repeals a version of the KEMA statute regarding the powers of the Governor during a state of disaster emergency that would have gone into effect on March 31, 2021, and a KEMA section prohibiting closure of schools without the approval of the State Board of Education.

###

**House Sub. for Senate Bill 63***In-person K-12 Instruction*

House Sub. for Senate Bill 63 requires all unified school districts in the state to provide a full-time, in-person attendance option for all students enrolled in kindergarten through grade 12 beginning no later than March 31, 2021, for school year 2020-2021.

The bill takes effect upon publication in the *Kansas Register*.

###



Senate Bill 86

Loan Deposit Programs – Kansas Extraordinary Utility Costs Loan Deposit Program; changes to 2021 law (SB15, House Sub. For SB 88)

(New Section 3)

Program Administration; Eligible Borrowers; Report and Legislative Review

The bill authorizes the State Treasurer to administer the Program. The bill states the Program's purpose is to provide incentives for the making of loans to eligible borrowers for the extraordinary natural gas costs incurred during the extreme winter weather event of February 2021. The bill restricts the total amount of loans under the Program to an amount not to exceed the amount of unencumbered funds certified by the State Treasurer and directed to be reinvested by provisions of this bill (in Section 17).

Eligible Borrowers—School Districts

The bill makes the following provisions applicable to school districts electing to participate as eligible borrowers:

- Notwithstanding the provisions of any statute to the contrary, a school district (as defined in KSA 72-6486) that is an eligible borrower will be authorized to enter into loan agreements under the Program;
- The provisions and restrictions of the cash basis and budget laws do not apply to any loan received by a school district under this Program;
- Any loan made to a school district under the Program will not be considered bonded indebtedness for the purpose of any statute imposing a limitation on indebtedness of a school district.

(New Section 4)

Program Loan Applications

The bill authorizes the State Treasurer to disseminate information and to provide extraordinary utility costs loan deposit loan packages (loan packages) to lending institutions eligible for Program participation.

The bill requires the loan package to be completed by the eligible borrower before being forwarded to the lending institution for consideration.

###



Sub. for House Bill 2049

Public Agency Fee Prohibition; Legislative Division of Post Audit

Sub. for HB 2049 amends a statute authorizing the Legislative Post Audit Committee to direct the Post Auditor and Legislative Division of Post Audit (LPA) to audit state agencies and other entities specified in the Legislative Post Audit Act. Specifically, the bill adds a provision prohibiting a public agency that is the subject of an audit pursuant to the statute or any other law from charging a fee for copies of or access to certain records described in the statute.

###



Sub. for House Bill 2066

Expansion of Military Spouse and Servicemember's Expedited Licensure

Sub. for HB 2066 amends law to shorten the period of time in which regulatory bodies are required to issue occupational credentials to military servicemembers or military spouses seeking to establish residency in Kansas and provide for expedited credentialing of non-military prospective residents.

Expedited Credentialing

The bill requires licensing bodies to issue the appropriate credential to a military servicemember or spouse within 15 days from the date of the submission of a "complete application," as defined by the bill, or within 45 days for all other applicants. Currently, credentials are to be issued to military servicemembers and spouses within 60 days.

###



House Bill 2134

Appropriations for Department of Education; K-12 education funding

Introduced on May 5, 2021, by conference committee, the new education funding bill is HB 2134 and contains the majority of the policy provisions that were a part of previous bills (HB 2119 and SB 175), plus a few added by the conference committee. **Note:** The summary of this bill from the Kansas Legislative Research Department (KLRD) was not available for the USD budget workshops held in June 2021. *Below is the KLRD's summary for House Bill 2134:*

Education Appropriations and Program Changes; HB 2134

HB 2134 makes appropriations for the Kansas State Department of Education (KSDE) for FY 2021, FY 2022, and FY 2023; limits remote learning hours based on emergency circumstances of the individual student and school district; provides a different calculation for school finance related to remote learning; directs school districts to use needs assessment to ensure improvement in student academic achievement; amends the Kansas Challenge to Secondary School Students Act as it relates to dual and concurrent enrollment;

amends law regarding the providing of the ACT, pre-ACT, and WorkKeys assessment to Kansas students; expands the Tax Credit for Low Income Students Scholarship Program; and directs KSDE to collaborate with the Department for Children and Families (DCF) to create a Kansas foster care children annual academic report card.

Appropriations for FY 2021, FY 2022, and FY 2023—KSDE

FY 2021

The bill modifies the State General Fund (SGF) appropriation, in FY 2021, for KSDE. The bill authorizes the following moneys appropriated from the SGF to be lapsed in FY 2021:

- \$2.0 million for the Kansas Public Employees Retirement System (KPERs) non-unified school districts (USDs);
- \$6.9 million for the KPERs-USDs;
- \$1.2 million for the Mental Health Intervention Team (MHIT) Pilot Program;
- Any unencumbered balance in the Education Super Highway Account;
- \$782,064 for the School District Juvenile Detention Facilities and Flint Hills Job Corps Center Grants;
- \$140,755 for the Governor’s Teaching Excellence Scholarships and Awards; and
- \$18.9 million for State Foundation Aid.

FY 2022

The bill appropriates \$2.8 billion, including \$1.2 billion SGF, for FY 2022 for KSDE. Major SGF appropriations include:

- \$14.1 million for operating expenditures;
- \$41.9 million for KPERs-non-USDs;
- \$538.0 million for KPERs-USDs;
- \$25.8 million for KPERs layering payments;
- \$78.5 million for Capital Outlay State Aid;
- \$2.8 million for the ACT and WorkKeys Assessments Program;
- \$7.5 million for the MHIT Pilot Program;
- \$5.1 million for the School District Juvenile Detention Facilities and Flint Hills Job Corps Center Grants;
- \$512.9 million for Special Education Services Aid; and
- \$2.4 million for Supplemental State Aid.

The bill also appropriates funding from several no limit special revenue funds, including federal funds and fee funds, including \$32.7 million from the Children’s Initiatives Fund and \$41.1 million from the Expanded Lottery Act Revenues Fund for KPERs-non-USDs.

The bill directs KSDE to expend \$80,000 for the Center for READING project manager grant for FY 2022, all from federal funds received under COVID-19-related legislation. If federal funds cannot be used for the grant, then SGF moneys must be used. The bill requires such project manager or managers to assist in the development and support of a Science of Reading curricula for State Board of Regents institutions based on the Knowledge and Practice Standards set by KSDE. The Center for READING will also develop and support resources—including a textbook, professional development, and a list of qualified trainers—for school districts.

HB 2134 *(continued)**FY 2022*

The bill provides for several transfers and allows the Commissioner of Education to transfer any part of an appropriation from the SGF to another SGF item of appropriation in KSDE.

The bill lapses \$3.3 million of the \$2.4 billion appropriated in SB 66, the 2020 appropriations bill, from the SGF for State Foundation Aid for FY 2022. SB 66 (2020) also appropriated \$521.2 million, all SGF, for Supplemental State Aid. The lapse of SGF for State Foundation Aid and added funding for Supplemental State Aid are due to the adoption of the full 2020 Education Consensus Estimates.

The bill directs KSDE to expend \$5.0 million for School Safety and Security Grants, \$3.9 million for expanding the MHIT Pilot Program, and \$100,000 for the Communities in Schools program, all from federal funds received under federal COVID-19-related legislation, unless the program would not qualify for the federal funds.

The bill further states the Legislature's recommendation that school districts provide additional compensation, of up to \$500, to classroom teachers, paraprofessionals, and other school district hourly employees from federal moneys received under federal COVID-19-related legislation for extra duties performed during the pandemic. The bill defines "classroom teacher."

FY 2023

The bill appropriates from the SGF for FY 2023 \$2.5 billion for State Foundation Aid and \$534.1 million for Supplemental State Aid. The bill also authorizes expenditures from the State School District Finance Fund and the Mineral Production Education Fund.

Foster Care Report Card

The bill requires KSDE and DCF collaborate to create an annual foster care report card, which will be submitted to the House and Senate standing committees on education by January 15 each year. The report must include the following information regarding children in foster care:

- Graduation rate;
- State standardized assessment scores;
- Total and disaggregated number enrolled in a school district or accredited non-public school;
- De-identified disaggregated race and ethnic data for specific data sets;
- Additional data elements deemed appropriate by the KSDE and DCF; and
- Numbers and percentages of students in foster care who:
 - Were promoted to the next grade level;
 - Were suspended (including duration);
 - Were expelled;
 - Are meeting academic standards;
 - Are enrolled in a preschool-aged at-risk program, preschool pilot program, or early childhood special education program; and
 - Participated in the MHIT Pilot Program or similar mental health program.

HB 2134 *(continued)**Foster Care Report Card*

The bill defines “school” as any school within a school district or a nonpublic school accredited by the State and “student in foster care” as an individual in the custody of DCF while attending school at any point during a school year in which the report card is required to be completed.

At-Risk Services

The bill defines students as at-risk and eligible for programs and services, as permitted under Sections 20-22 of the bill, if the student meets one or more of the following criteria:

- Is not working at academic grade level;
- Is not meeting requirements for promotion to the next grade level or is failing subjects or courses of study;
- Is not meeting requirements for graduation from high school or has the potential to drop out of school;
- Has insufficient mastery of skills or is not meeting state standards;
- Has been retained;
- Has a high rate of absenteeism;
- Has repeated suspensions or expulsions from school;
- Is homeless or migrant;
- Is identified as an English language learner;
- Has social-emotional needs causing the student to be unsuccessful in school; or
- Is identified as a student with dyslexia or having characteristics of dyslexia.

*Remote Learning and Waivers**Remote Learning and Enrollment*

The bill provides that no school district, beginning in school year 2022, shall provide or offer more than 40 hours of remote learning to any student enrolled in the school district. The bill allows boards of education to authorize individual students to temporarily attend school through remote learning in excess of the 40-hour limitation when the student cannot reasonably attend in person due to illness, injury, or other extraordinary circumstance. The bill also allows the Kansas State Board of Education (State Board) to authorize a school district to provide remote learning in excess of 40 hours in the following circumstances:

- Upon the school district’s application certifying that due to disaster, conditions resulting from widespread or severe property damage caused by the disaster, or other condition restricting the operation of the school for an inordinate period of time and a determination by the State Board that the school district cannot comply with such restriction without conducting up to 240 school term hours via remote learning; or
- Upon the school district’s application for a waiver that certifies widespread or severe property damage restricting the operation of the school and a determination by the State Board that the school district cannot comply with this restriction without conducting remote learning beyond 240 school term hours.

HB 2134 *(continued)**Remote Learning and Enrollment*

The bill amends law to define any student who attends school through remote learning in excess of the 240 school-term hour limitation as a “remote learning student.”

The bill requires each school district that offers remote learning, on or before June 30 of each school year, to determine the remote enrollment of the district based on the number of remotely enrolled students, and the clerk or superintendent of that school district to certify to the State Board a report showing remote enrollment by the grades of the schools in that school district.

The bill requires the State Board to determine the number of remotely enrolled students by school district, provide remote enrollment state aid of \$5,000 per remotely enrolled student, and notify each school district of the amount of remote enrollment state aid. The bill provides that remote enrollment state aid for students does not include students enrolled part-time in remote learning during the school day. The bill also requires the State Board to require each such school district return any payment over \$5,000 (an overpayment) in the current school year for such students, or to deduct the excess amounts over \$5,000 to be paid to the school district from future payments to be made to the school district.

The bill specifies that a remotely enrolled student is not included in the adjusted enrollment of the school district for the current school year.

The bill requires each school district that determines remote enrollment for the purposes of this section to submit any requested documentation or information to the State Board.

The bill provides, if a school district is granted a waiver due to disaster by the State Board, the remote learning hour limitations would not apply and the school district shall not be required to determine remote enrollment and the State Board shall not be required to adjust the school district’s funding.

Waiver

Continuing law allows the State Board to waive requirements for the duration of a school term in any school year upon the following criteria being met:

- Certification by a board of education that conditions restricting the operation of public schools for an inordinate period of time exist due to a disaster; and
- Determination by the State Board that the school district cannot reasonably adjust its schedule to comply with the law.

The bill removes “or other conditions restricting the operation of public schools” from the certification criterion and amends the definition of “disaster” as the occurrence of any widespread or severe damage, injury, or loss of life or property resulting from natural or man-made causes, removing references to declarations and orders and adding an epidemic to the definition.

Kansas Challenge to Secondary School Students Act (Kansas Challenge Act)

Kansas Challenge Act Reporting Requirements

The bill requires each postsecondary institution that accepts students for concurrent or dual enrollment to submit a report to the State Board of Regents. The report shall include, but not be limited to, the following:

- The number of students from each school district enrolled in the postsecondary institution, including the number of students in foster care;
- The number of students who successfully complete the courses in which they are enrolled;
- The tuition rate charged for concurrently or dually enrolled students compared to the tuition rate charged regularly enrolled students;
- The portion of costs for concurrent and dual enrollment being paid by school districts.

The State Board of Regents is required to compile and present a summary report to the House and Senate standing committees on education on or before February 15 of each year.

Citation and Purpose

The bill states the purpose of the Kansas Challenge Act is to provide the means to school districts to encourage secondary students take advantage of all educational opportunities in Kansas.

Student Eligibility and Other Definitions

The bill amends the definition of “student” in the Kansas Challenge Act to require a student to have an individualized plan of study or an individualized education program. The new definition of student is a person:

- Enrolled in grades 10, 11, or 12 in a school district, or a gifted student enrolled in grades 9, 10, 11, or 12;
- With an individualized plan of study or an individualized education program;
- Who has demonstrated the ability to benefit from participation in the regular curricula of a postsecondary institution;
- Who has been authorized by their principal to apply for enrollment at a postsecondary institution; and
- Who is acceptable or has been accepted for enrollment at a postsecondary educational institution.

The bill amends the definition of “accredited independent institution” in the Kansas Challenge Act to include only not-for-profit postsecondary institutions and to specify the institution must be accredited by a nationally recognized accrediting agency.

HB 2134 *(continued) Kansas Challenge to Secondary School Students Act (Kansas Challenge Act)*

Authority of School Districts and Notification Requirements

The bill allows school districts, at the discretion of the local boards of education, to pay for tuition, fees, books, materials, and equipment for any high school student who is concurrently or dually enrolled at a postsecondary educational institution (postsecondary institution). The bill authorizes a local board of education to pay all or a portion of those costs directly to the postsecondary institution by the school district. Students or their families are required to pay any portion of the costs not covered by the school district. School districts are also authorized to provide transportation for concurrently or dually enrolled students.

The bill requires postsecondary institutions to notify a student or a student's parent or guardian if the course in which a student is enrolled is not eligible for a systemwide transfer of college credit to another in-state postsecondary educational institution, as determined by the State Board of Regents.

The bill requires school districts to grant high school credit to concurrently or dually enrolled students who satisfactorily complete course work at a postsecondary institution.

The bill prohibits school districts from paying for technical education courses that are part of the Excel in Career Technical Education program (also known as 2012 SB 155 courses) administered by the State Board of Regents.

In order to remain eligible for participation, the bill requires students to remain in good standing at the postsecondary institution in which they are enrolled or show satisfactory progress as determined by their school district.

Using Needs Assessment in the District Budget Process

The bill amends law requiring the board of education of each school district to conduct an assessment of the educational needs of each school in the district and utilize the results when preparing the school district's budget. The bill requires the information obtained from the needs assessments to be used to ensure improvement in student academic performance. The bill also requires school district budgets to allocate sufficient moneys in a manner reasonably calculated to ensure all students achieve the "Rose capacities," which are codified in KSA 72-3218(c).

Tax Credit for Low Income Students Scholarship Program

The bill expands the Tax Credit for Low Income Students Scholarship Program by amending provisions relating to student eligibility requirements, school eligibility requirements, and reporting requirements.

Student Eligibility for the Tax Credit for Low Income Students Scholarship Program

The bill amends the Tax Credit for Low Income Students Scholarship Program to expand student eligibility in two ways:

- The bill amends the definition of "eligible student" to include students who are eligible for reduced-priced, added to free, meals under the National School Lunch Program. Continuing law requires the student also reside in Kansas and be enrolled in a public school or eligible to enroll in a public school.

HB 2134 *(continued)*

Tax Credit for Low Income Students Scholarship Program

- The bill amends the definition of “public school” to be any school operated by a USD in Kansas. Former law limited eligibility to those students enrolled or eligible to be enrolled in the lowest 100 performing elementary schools, as identified by the State Board.

The bill limits student eligibility for first-time applicants to students enrolled in kindergarten through grade eight.

The bill clarifies that the definition of “eligible student” includes any student who has previously received a scholarship under the Tax Credit for Low Income Students Scholarship Program and has not graduated from high school or is not 21 years old.

Publication of Accountability Reports

The bill requires the websites of accredited nonpublic schools participating in the Tax Credit for Low Income Students Scholarship Program to include a prominent link to KSDE’s website where the one-page accountability reports are published.

Accountability Reports

The bill requires KSDE to prepare one-page accountability reports for all accredited nonpublic schools in the state, in addition to public schools as in continuing law. The bill also requires KSDE to include accredited nonpublic schools in the longitudinal achievement report submitted to the Governor and Legislature each year.

Kansas School Finance

Update to Citation of Act

The bill redefines the Kansas School Equity and Enhancement Act (KSEEA) to include provisions relating to the calculation of remote enrollment state aid.

Definitions—KSEEA

The bill amends the definitions of “adjusted enrollment” and “enrollment” to exclude remote enrollment as determined under the bill.

The bill defines “remote enrollment” and “remote learning” as follows:

- “Remote enrollment” means the number of students regularly enrolled in a school district who attended school via remote learning as outlined in the bill; and
- “Remote learning” means a method of providing education in which a student regularly enrolled in a school district does not physically attend the attendance center where the student would otherwise attend in person on a full-time basis, and the instruction is prepared, provided, and supervised by teachers and staff of such school district to replace the instruction that would have occurred in the attendance center classroom. This definition does not include virtual school as defined in the Virtual School Aid Act.

These definitions do not apply to any school year prior to the 2021-2022 school year.

HB 2134 *(continued)**Calculating enrollment—KSEEA*

The bill amends the calculation of one student to include a student enrolled in the school district attending school part time via remote learning and part time in person to the nearest tenth of the student's proportion of in-person attendance to full-time attendance. The bill does not count as a student any remotely enrolled student.

At-risk and High-density At-risk Weighting and Expenditures

The bill amends law regarding the at-risk and high-density weighting by removing the improvement requirements and providing that if a district does not spend the funds on best practices, then the district must repay such moneys to the district's At-risk Education Fund. The State Board must notify the House and Senate standing committees on education on or before January 15 each year of any school districts repaying the funds in this manner and the amounts each district repaid the preceding school year.

The bill extends the high-density at-risk weighting through June 30, 2024.

The bill states the purpose of the at-risk and high-density at-risk student weightings is to provide eligible students with evidence-based, at-risk programs and services (programs and services) in addition to regular instructional services.

The bill also requires the portion of State Foundation Aid attributable to the at-risk and high-density at-risk student weightings to be transferred by each district to the district's At-risk Education Fund.

At-risk Educational Programs and Services

The bill requires the State Board to require school districts to implement programs and services using the at-risk best practices identified in law to assist eligible students in achieving educational outcome goals. The State Board must provide a list of approved programs and services to each district, and KSDE is required to publish the list on its website with a link prominently displayed on its homepage.

The bill amends eligible expenditures from a district's At-risk Education Fund to include only the following:

- At-risk and provisional at-risk programs (amended by the bill to include provisional at-risk programs);
- Personnel providing educational services in conjunction with such programs (continuing law);
- Support for instructional classroom personnel designed to provide training for evidence-based best practices for at-risk educational programs (added by the bill); or
- Services contracted for by the school district to provide at-risk and provisional at-risk educational programs (amended to include at-risk and provisional programs and removing a reference to best practices).

HB 2134 *(continued)**At-risk and High-density At-risk Weighting and Expenditures*

The bill defines an “at-risk educational program” as an at-risk program or service identified and approved by the State Board as an evidence-based best practice. A “provisional at-risk educational program” (provisional program) is defined as an evidence-based at-risk educational program or service identified or developed by a district as producing or likely to produce measurable success that has been submitted to the State Board for review.

The bill limits expenditures from a district’s At-risk Education Fund to those programs or services included on the list approved by the State Board unless the program is a provisional program.

A provisional program can only be funded for a maximum of three years unless approved by the State Board and included on the list of approved programs.

The bill also states the delivery of programs and services by a district may include, but is not limited to, the following:

- Extended school year;
- Before-school programs and services;
- After-school programs and services;
- Summer school;
- Extra support within a class;
- Tutorial assistance; and
- Class within a class.

Expenditure of High Density At-risk Funding on Ineligible Activities

If a district does not spend money on such best practices for three consecutive years, the bill makes the district ineligible to continue receiving the high-density at-risk weighting funding. Former law stated if a district does not expend its high density at-risk weighting funds on best practices, it must show improvement within five years, or it will be disqualified from receiving the high-density at-risk student weighting in the succeeding school year.

Reporting Requirements

The bill clarifies the continuation of the reports each district must file with the State Board on the at-risk and provisional programs and services offered by the district. The bill updates the required information to be included in the reports to the following:

- Number of students identified as eligible to receive at-risk or provisional programs and services who were served or provided assistance;
- Type of at-risk and provisional at-risk programs and services provided, including the number of students assisted under approved programs;
- Data and research utilized by the district to determine what programs and services were needed;

HB 2134 *(continued)*

Expenditure of High Density At-risk Funding on Ineligible Activities

- Longitudinal performance of students continuously receiving programs and services and applicable data regarding:
 - State assessment scores;
 - Kansas English language proficiency assessment results;
 - Four-year graduation rates;
 - Progress monitoring;
 - Norm-referenced test results;
 - Criterion-based test results;
 - Individualized education program goals;
 - Attendance; and
 - Average ACT composite scores; and
- Other information required by the State Board.

Audit Requirements

The bill requires the Legislative Post Audit Committee to direct the Legislative Division of Post Audit to conduct a performance audit of at-risk education expenditures. The audit is to evaluate the following:

- How districts are expending at-risk education funds;
- Whether expenditures comply with statutory provisions;
- Whether the State Board and KSDE are acting in accordance with statutory provisions regarding at-risk expenditures and programs; and
- Trends in academic outcomes of students receiving programs and services.

The audit will be conducted during calendar year 2023, and the final report will be provided to the Legislature on or before January 15, 2024.

ACT, Pre-ACT, and WorkKeys Assessments

Notification

The bill requires KSDE and each school district to annually publish on their websites the times, dates, and locations of all pre-ACT, ACT, and WorkKeys exams being offered in the state and information on how to register for them.

Participation

The bill clarifies that all participation in the pre-ACT, ACT, and WorkKeys examinations is optional and that nothing in the bill should be construed to require participation.

The bill also defines a “student” for this purpose as any person who is regularly enrolled in any public school or accredited private school.

Reporting Requirement

The bill requires the State Board to prepare and submit a report to the House and Senate standing committees on education on or before the first day of each regular legislative session regarding aggregate exam and assessment data for all students who took the exams pursuant to this section.

HB 2134 *(continued)*

Kansas Challenge Act Tuition Waiver for Foster Care Students

The bill expands the Kansas Foster Child Educational Assistance program to provide a tuition waiver for foster care students who are concurrently or dually enrolled in a postsecondary institution. In addition, school districts are authorized to pay for any costs that are not waived, including for fees, books, materials, and equipment.

The definition of “eligible foster child” is amended to add a student, as defined by provisions of this bill, who has been in the custody of the Secretary for Children and Families and in foster care placement at any time the child was enrolled in grades 9 through 12.

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House Bill 2238

Donation Limit to Benefit Libraries

HB 2238 removes the \$500,000 limit on gifts school districts, governing bodies of cities, or both are jointly able to accept for the express purpose of the construction or furnishing of a library.

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Senate Sub. for House Bill 2313

Excerpt from this bill: Statewide School Finance Tax Levy

The bill would re-authorize the 20-mill property tax levy for school years 2021-2022 and 2022-2023.

The bill would continue the exemption of residential property up to \$20,000 of its appraised valuation from the 20-mill property tax levy for taxable years 2021 and 2022.

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House Bill 2405

Authorization for the Issuance of \$500.0 Million in Bonds; KPERS

HB 2405 authorizes the Kansas Development Finance Authority (KDFA) to issue bonds, in one or more series, in an amount not to exceed \$500.0 million, plus all amounts required to pay the costs of issuance. Proceeds from those bonds must be applied to the unfunded actuarial pension liability (UAL) of the Kansas Public Employees Retirement System (KPERS). The interest rate of those bonds may not exceed 4.3 percent. Bonds may not be issued without approval of the State Finance Council, which may give approval while the Legislature is in session. The bonds issued and interest owed would be an obligation of KDFA and not KPERS. The bonds issued would not be considered a debt or obligation of the State for purposes of the *Kansas Constitution*. The Department of Administration and the KDFA would be permitted to enter into contracts to implement the payment arrangements after the bonds are issued.

The addition of \$500.0 million toward the UAL is estimated to decrease the employer contribution rate, including KPERS Death and Disability Program contributions, from 14.69 percent to 13.36 percent in FY 2024.

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