

# Selected House & Senate Education Summaries



## 2020 Legislative Session: Enrolled bills passed into law

Also includes an overview of new federal legislation:

### **CARES (Coronavirus Aid, Relief, and Economic Security) Act**

enacted March 27, 2020, to provide the following federal grant allocations:

- ESSER (Elementary and Secondary School Emergency Relief) funds
- ESSER - Special Education funds



*Kansas leads the world in the success of each student.*



# KANSAS STATE BOARD OF EDUCATION

## 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 measured locally
- Kindergarten readiness
- Individual Plan of Study focused on career interest
- High school graduation
- Postsecondary success

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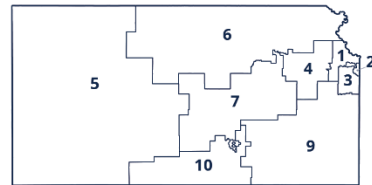


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# 2020 House and Senate Education Summaries

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## 2020 House and Senate Education Summaries



### INTRODUCTION

This booklet, **Selected Senate & House Education Summaries – 2020 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 and may be found and printed from the links below:

Senate: [http://www.kslegislature.org/li/b2019\\_20/measures/bills/senate/](http://www.kslegislature.org/li/b2019_20/measures/bills/senate/)

House: [http://www.kslegislature.org/li/b2019\\_20/measures/bills/house/](http://www.kslegislature.org/li/b2019_20/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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## House Sub. for SB 142

### K-12 Education; Waivers for School Year Attendance Requirements;

**House Sub. for SB 142** clarifies the authority of the State Board of Education (State Board) to grant waivers to the minimum number of school hours required each school year. The bill expands the circumstances in which a local board of education can apply to the State Board for a waiver to include conditions restricting the operation of public schools. The bill also amends the definition of “disaster” to include any declaration of a state of disaster emergency issued by the Governor or the closure of schools by order of the county or joint board of health, a local health officer, or the Secretary of Health and Environment.

KSA 72-3115(b) requires students in kindergarten attend at least 465 school hours, students in grades 1 through 11 attend at least 1,116 school hours, and students in grade 12 attend at least 1,086 school hours per school year.

The bill also includes a statement of legislative intent that school districts shall continue to pay hourly employees, including, but not limited to, paraprofessionals and custodial employees, during any school shutdown due to a disaster.



## Senate Bill 66 - State Budget—Appropriations (excerpts concerning education)

Major adjustments to the FY 2021 approved budget above the FY 2020 approved budget including the following:

- Department of Education: Add \$135.8 million, including \$118.7 million from the SGF, for the State's new estimates of expenditures for state aid to K-12 schools, which is primarily due to the Base Aid for Student Excellence (BASE) increasing from \$4,436 to \$4,569;
- Regents and Post-Secondary Education Institutions: An all funds reduction of \$16.3 million and a SGF increase of \$21.7 million including:
  - \$11.9 million for distribution to State universities;
  - \$8.5 million for Excel in Career Technical Education;
  - \$5.0 million, all from the SGF, for the Cancer Center Research Fund, for FY 2021;
  - \$2.5 million, all from the SGF, for the Comprehensive Grant program with language that the new funds require a 1:1 match; and
  - Add language to allow Wichita State University bonding authority of \$49.0 million to purchase The Flats and The Suites, privately owned student housing units, upon approval from the Board of Regents



## SUMMARY OF CONFERENCE COMMITTEE REPORT FOR SB 66

SB 66, as recommended by the Conference Committee, includes adjusted funding for FY 2020 and FY 2021 for state agencies and FY 2020 and FY 2021 capital improvement expenditures for a number of state agencies. An overview of the Governor's amended budget recommendations for FY 2020 and FY 2021 and the Conference Committee's adjustments to the Governor's amended recommendations are reflected below.

### Governor's Recommended Expenditure Adjustments - FY 2021

The Governor's recommendation totals \$19.8 billion from all funds, with \$7.9 billion financed from the State General Fund. The recommendation increases total expenditures by \$1.1 billion, including \$34.2 million from the State General Fund, above the FY 2020 revised estimate. Those increases include:

- \$137.3 million, including \$117.5 million from the State General Fund for the State's new estimates of expenditures for state aid to K-12 schools, which is primarily due to the Base Aid for Student Excellence (BASE) increasing from \$4,436 to \$4,569 for FY 2021;
  - The increases in K-12 Education Aid in the school finance formula are partially offset by reductions as a result of eliminating KPERS layering payments of \$25.8 million in FY 2021.
- \$28.6 million, all from the State General Fund, for enhancements to the Board of Regents and Post-Secondary Educational Institutions. The enhancements include \$11.9 million for distribution to State Universities, \$8.5 million for Excel in Career Technical Education, \$5.0 million for a new needs-based aid matching grant, and \$3.1 million in other adjustments;
- Department of Education -
  - Add \$5.0 million, all from the State General Fund, to restore funding for the School Safety and Security Grants for FY 2021 and add language to govern the distribution of the funding.
  - Delete the Governor's recommended language for the Mental Health Intervention Team pilot program for FY 2021 for review at Omnibus.

Table below was provided by the Kansas Legislative Research Department dated April 20, 2020:

**State General Fund Profile FY 2018 - FY 2021 (April Revenue Estimates)**  
(Dollars in Millions)

	Actual FY 2018	Actual FY 2019	SB 66 FY 2020	SB 66 FY 2021
Beginning Balance	\$ 108.5	\$ 761.7	\$ 1,105.1	\$ 205.2
<b>Revenue</b>				
Consensus Revenue Estimates (April 20, 2020)	\$ 7,302.3	\$ 7,368.4	\$ 6,825.2	\$ 7,230.5
Prior Year Released Encumbrances	-	7.8	-	-
<b>Total Available Revenue</b>	<b>\$ 7,410.8</b>	<b>\$ 8,137.9</b>	<b>\$ 7,930.3</b>	<b>\$ 7,435.7</b>
<b>Expenditures</b>				
Expenditures	\$ 6,649.1	\$ 7,032.8	\$ 7,749.6	\$ 7,718.2
Human Services Caseload (April 16, 2020)	-	-	(106.1)	171.3
School Finance Consensus (Fall 2019)	-	-	(32.9)	117.5
Reappropriations	-	-	108.7	(108.7)
Governor's adjustments	-	-	(1.1)	25.4
Legislative Adjustments SB 66 (March 18, 2020)	-	-	6.9	165.5
<b>Total Adjusted Expenditures</b>	<b>\$ 6,649.1</b>	<b>\$ 7,032.8</b>	<b>\$ 7,725.1</b>	<b>\$ 8,089.2</b>
<b>Ending Balance</b>	<b>\$ 761.7</b>	<b>\$ 1,105.1</b>	<b>\$ 205.2</b>	<b>\$ (653.5)</b>
Ending balance as a percentage of expenditures	11.5%	15.7%	2.7%	-8.1%
Receipts above / (below) expenditures	\$ 653.2	\$ 343.4	\$ (899.9)	\$ (858.7)

*Note:* The Department of Corrections retains \$45.0 million in expenditure authority from the Evidence Based Juvenile Programs Fund in FY 2021 that the Governor has recommended that the Department not exercise.

## K-12 FUNDING - HISTORICAL DATA

The Kansas Legislative Research Department posted two new historical documents on School Finance history dated May 29, 2020:

- Kansas School Finance History, 1992-2016
- Kansas School Finance History since 2017

Included are two tables showing the history of special education state aid funding and excess costs, and the history of BASE (base aid for student excellence) funding from 1992 through 2023.

Source: <http://www.kslegresearch.org/KLRD-web/Education.html>

SPECIAL EDUCATION STATE AID FY 2011-FY 2022		
School Year	State Aid (in thousands)	Excess Costs
2010-2011*	\$ 388,982	92.0 %
2011-2012	428,133	88.4
2012-2013	430,426	82.8
2013-2014	428,703	80.1
2014-2015	428,361	80.8
2015-2016	434,754	80.0
2016-2017	435,470	79.6
2017-2018	445,982	78.5
2018-2019	490,367	81.4
2019-2020 (est.)	497,895	75.3
2020-2021 (est.)	505,381	72.0
2021-2022 (est.)	512,881	69.2

\*Moneys from the American Recovery and Reinvestment Act were used to fund a portion of Special Education State Aid, thereby reducing the amount of state aid needed to reach 92.0 percent of excess costs.

Source: <http://www.kslegresearch.org/KLRD-web/Education.html>

**Base Aid for Student Excellence**

This history of the BASE, including the planned increases through SY 2022-2023, is outlined in the table below. Beginning in SY 2023-2024, the BASE will be adjusted by the average percentage increase in the Consumer Price Index for all urban consumers (CPI-U) in the Midwest region during the three immediately preceding school years. The KSEEA includes a provision that if appropriations in any school year for State Foundation Aid is not sufficient to pay school districts' computed entitlements, then the State Board of Education (State Board) will reduce the BASE to the amount necessary to match State Foundation Aid entitlements of school districts with the amount of State Foundation Aid available.

**BASE AID FOR STUDENT EXCELLENCE (BASE)**

School Year	BASE
1992-1993	\$ 3,600
1993-1994	3,600
1994-1995	3,600
1995-1996	3,626
1996-1997	3,648
1997-1998	3,670
1998-1999	3,720
1999-2000	3,770
2000-2001	3,820
2001-2002	3,870
2002-2003*	3,863
2003-2004*	3,863
2004-2005*	3,863
2005-2006	4,257
2006-2007	4,316
2007-2008	4,374
2008-2009	4,400
2009-2010**	4,012
2010-2011	3,937
2011-2012	3,780
2012-2013	3,838
2013-2014	3,838
2014-2015	3,852
2015-2016***	N/A
2016-2017***	N/A
2017-2018	4,006
2018-2019	4,165
2019-2020	4,436
2020-2021^	4,569
2021-2022^	4,706
2022-2023^	4,846

\* In SYs 2002-03, 2003-04, and 2004-05, the statutory BASE was \$3,890; however, \$3,863 was funded.

\*\* In SY 2009-10 the statutory BASE was \$4,492. After the 2009 Legislative Session ended, the Governor enacted two separate allotments that decreased the BASE to \$4,012.

\*\*\* During SYs 2015-16 and 2016-17, the state operated on a block grant funding system and there was no official BASE.

^ Scheduled increases to the statutory BASE.





# CARES Act

## Elementary and Secondary School Emergency Relief (ESSER)

The Coronavirus Aid, Relief, and Economic Security (CARES) Act was enacted on March 27, 2020, and included Elementary and Secondary School Emergency Relief (ESSER) Funds for K-12 schools. These ESSER grants will provide school districts with emergency relief funds to address the impact COVID-19 has had on elementary and secondary schools.

This is a formula grant. Every Kansas school district will receive an award that is proportional to their 2019-20 ESEA Title I-A award. A complete breakout, by district is available at <https://www.ksde.org/Portals/0/ECSETS/Announcements/ESSER-CARES-DistrictAllocations.pdf>.

### Budget Reminders and How to Request ESSER Grant Funds:

1. To request ESSER grant funds, submit the **Form 240** web application by the 20<sup>th</sup> of the month. As with all federal funds, only draw down the amount to be spent that month.  
**Form 240** questions: Nicole Norwood [nnorwood@ksde.org](mailto:nnorwood@ksde.org)
2. Determination of the amount for each district is based on the Title I formula, however this is not Title I money.
3. Funds are available beginning in June, 2020 and must be spent by September 30, 2022.
4. ESSER money will be spent from the Federal Fund, Code 07.
5. For audit purposes, school districts will need to create a new CARES fund/account within your local accounting system to track expenditures separately within Code 07-Federal Funds.
6. When you complete the **Monthly/Annual Financial Report** in **KN-Claim**, remember to include CARES Act Funding as a revenue in Section 4000 (Other Federal Grant).
7. The Federal Cash Management Act requires that federal funds must be spent by the end of the month in which they are received. *LEAs cannot carry over federal funds to the following month.*

### Budget: New revenue lines appear for 2019-20, 2020-21, and 2021-22

**ESSER Grant** - Code 07 (Federal) – Budget Line 067 – Revenue Code 4595 CARES Act

- CARES Act (ESSER) funds are allowed to pay food service expenses created by the COVID-19 school closure.
  - Report food service expenditures in Code 07 (Federal Funds) and charge to Expenditure Code 3100 - Food Service Operations.

**County - CARES Act funds** (reimbursement) - If you receive CARES Act SPARK funds (Strengthening People and Revitalizing Kansas) from your county to be used as a reimbursement for COVID-related purchases, these funds need to be tracked separately from ESSER Grant (CARES Act) funds. Deposit in the budget as follows: Code 07 (Federal Funds) - Revenue Code 4599 Other

## Allowable Uses of ESSER funds

### Section II. Specific Elementary and Secondary School Emergency Relief (ESSER) Grant Assurances

The LEA assures that funds shall only be used for any of the following:

- (1) *Any activity authorized by the ESEA of 1965, including the Native Hawaiian Education Act and the Alaska Native Educational Equity, Support, and Assistance Act (20 U.S.C. 6301 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) ("IDEA"), the Adult Education and Family Literacy Act (20 U.S.C. 1400 et seq.), the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) ("the Perkins Act"), or subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.).*
- (2) *Coordination of preparedness and response efforts of local educational agencies with State, local, Tribal, and territorial public health departments, and other relevant agencies, to improve coordinated responses among such entities to prevent, prepare for, and respond to coronavirus.*
- (3) *Providing principals and others school leaders with the resources necessary to address the needs of their individual schools.*
- (4) *Activities to address the unique needs of low-income children or students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youth, including how outreach and service delivery will meet the needs of each population.*
- (5) *Developing and implementing procedures and systems to improve the preparedness and response efforts of local educational agencies.*
- (6) *Training and professional development for staff of the local educational agency on sanitation and minimizing the spread of infectious diseases.*
- (7) *Purchasing supplies to sanitize and clean the facilities of a local educational agency, including buildings operated by such agency.*
- (8) *Planning for and coordinating during long-term closures, including for how to provide meals to eligible students, how to provide technology for online learning to all students, how to provide guidance for carrying out requirements under the Individuals with Disabilities Education Act (20 U.S.C. 1401 et seq.) and how to ensure other educational services can continue to be provided consistent with all Federal, State, and local requirements.*
- (9) *Purchasing educational technology (including hardware, software, and connectivity) for students who are served by the local educational agency that aids in regular and substantive educational interaction between students and their classroom instructors, including low-income students and students with disabilities, which may include assistive technology or adaptive equipment.*
- (10) *Providing mental health services and supports.*
- (11) *Planning and implementing activities related to summer learning and supplemental afterschool programs, including providing classroom instruction or online learning during the summer months and addressing the needs of low income students, students with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care.*
- (12) *Other activities that are necessary to maintain the operation of and continuity of services in local educational agencies and continuing to employ existing staff of the local educational agency.*

Throughout the period of the grant award, the LEA shall comply with all applicable requirements of the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020, including:

### ***ASSISTANCE TO NON-PUBLIC SCHOOLS***

*SEC. 18005. (a) IN GENERAL.—A local educational agency receiving funds under sections 18002 or 18003 of this title shall provide equitable services in the same manner as provided under section 1117 of the ESEA of 1965 to students and teachers in non-public schools, as determined in consultation with representatives of non-public schools.*

*(b) PUBLIC CONTROL OF FUNDS.—The control of funds for the services and assistance provided to a non-public school under subsection (a), and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds, materials, equipment, and property and shall provide such services (or may contract for the provision of such services with a public or private entity).*



## **ESSER -Special Education grants**

The Kansas State Department of Education (KSDE) has identified the provision of extraordinary special education services as a critical need necessary to respond to disruptions caused by the Coronavirus. To help meet this need, KSDE is making available **Elementary and Secondary School Emergency Relief (ESSER)-Special Education grants**. These funds are in addition to the ESSER formula grants that were previously awarded, and which may also be used to provide special education services related to the COVID-19 response.

This is a discretionary grant to local education agencies (LEAs) calculated in proportion to 2019-20 categorical aid.

**ESSER-Special Education funds may only be used to provide additional special education and related services that are necessary to respond to the COVID-19 interruption.** Details on the ESSER funds, including allowable uses and requirements will continue to be posted to the KSDE website at <https://www.ksde.org/Default.aspx?tabid=564> as they become available.

As with the earlier ESSER Grant, funds may be drawn down through Form 240, after the district has submitted the grant application.

### **Budget: New revenue lines appear for 2019-20, 2020-21, and 2021-22**

**ESSER -Special Education** - Code 30 – Budget Line 067 – Revenue Code 4595 CARES Act

- **Districts** receiving ESSER special education grant funds will deposit directly into:
  - Code 30, as Federal Sources, in new Revenue Code 4595, CARES Act
    - Record the payment to the Coop on Budget Line 255 as Object Code 590 Other
- **A few Interlocals** will draw a portion of their funds directly. These will also be deposited into:
  - Code 30, as Federal Sources, in new Revenue Code 4595, CARES Act
- **Coops and Interlocals** receiving these special education funds by transfer from their member districts will deposit them as:
  - Local Sources, Revenue Code 1900 Other Revenue from Local Source

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