



2022 Kansas Association of Career and Technical Education Summary of Legislation

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Kearney and Associates, Inc.

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K-ACTE PRELIMINARY SUMMARY OF LEGISLATION

EDUCATION

High School Work-Based Learning Programs; House Sub. for SB 91

[House Sub. for SB 91](#) exempts businesses from certain liability claims arising from a secondary student engaged in a “work-based learning program,” as that term would be defined by the bill. A business will not be subject to the following civil liabilities occurring during the student’s participation in a work-based learning program:

- A claim arising from the student’s negligent act or omission; and
- A claim for bodily injury to the student or sickness or death by accident of the student.

The school district would be solely responsible for a student’s loss due to bodily injury, sickness, or death caused by accident due to a negligent act or omission caused by the student or business. The bill would not provide immunity for the student or business for gross negligence or willful misconduct.

Computer Science; Career and Technical Education; Student Privacy; Sub. for HB 2466

[Sub. for HB 2466](#) enacts the Promoting Advancement in Computing Knowledge (PACK) Act relating to computer science courses in secondary schools, requires the survey and establishment of a career technical education pilot program, and exempts national assessment providers from the Student Online Personal Privacy Act.

PACK Act

The PACK Act requires, beginning in the 2023-2024 school year, each secondary school operated by a school district to offer at least one computer science course, or submit to the State Board of Education (State Board) a plan describing how the district intends to offer a computer science course and in which school year such course will be offered. Such courses are required to:

- Be high quality;
- Meet or exceed the Kansas Model Standards for Computer Science as established by the State Board; and
- Be made available in a traditional classroom setting, a blended learning environment, or an online-based or other technology-based format that is tailored to meet the needs of each high school and participating student.

The bill requires the State Board, on or before January 15, 2023, and each January 15 thereafter, to prepare and submit a report to the Governor and Legislature on the progress made pursuant to the PACK Act. Such report shall include, but is not limited to, the following information for the immediately preceding school year:

- Number of secondary schools that offered one or more computer science courses;
- Number of high-quality, professional learning providers that received grants from the State Board under the bill;

- Number of teachers prepared by high-quality professional learning providers;
- Number of teachers teaching computer science courses compared to number of teachers prepared by learning providers; and
- Number of students reached by high-quality learning providers. The bill sunsets the reporting requirements on July 1, 2025.

Computer Science Pre-service Educator Program

The Computer Science Pre-service Educator Program (Program) authorizes the Kansas Board of Regents (KBOR) to provide scholarships, not to exceed \$1,000 for each recipient, to pre-service teachers working toward a degree in elementary or secondary education and to licensed teachers who complete one course in computer science while enrolled in a state educational institution, community college, or certain not-for-profit institution of postsecondary education. The bill requires the KBOR to prioritize for receipt of scholarships those candidates from underrepresented groups and those candidates who agree to teach computer science in rural schools and in schools with higher percentages of students from underrepresented groups.

The bill authorizes the KBOR to coordinate with postsecondary educational institutions to develop pathways in computer science education for pre-service teachers to obtain a certification to teach computer science. The bill requires the KBOR to adopt rules and regulations necessary to implement the Program, including requirements for scholarship eligibility and applications.

State Board of Education Grants

The bill also authorizes the State Board, subject to appropriations, to award grants to high-quality professional learning providers to develop and implement professional development programs for teachers to teach computer science courses. The bill requires such a learning provider to submit an application to the State Board for receipt of a grant. If a grant is received, the learning provider must use it for one of the following purposes:

- Providing high-quality professional learning;
- Credentialing for computer science teachers;
- Supporting computer science professional learning;
- Creating resources to support implementation of the bill;
- Student recruitment; or
- Development of teacher preparation programs.

The bill requires any such learning provider that receives a grant to provide an annual report to the State Board that includes certain information. The bill requires the State Board to prioritize for the receipt of grants:

- School districts that work in partnership with providers of high-quality professional learning;
- Proposals that describe strategies to enroll female students, students from marginalized racial and ethnic groups underrepresented in computer science, students eligible for free and reduced-price meals, students with disabilities, and students who are English language learners; and
- Proposals from rural or urban areas that experience difficulties providing computer science offerings.

Career Technical Education Survey and Pilot Program

The bill requires the Kansas State Department of Education to conduct a survey of high-value credential and standard career and technical education courses offered to students enrolled in public high schools for the purpose of determining the needs for secondary career technical education credentialing. The survey will determine the following:

- Career and technical education pathway courses offered for high school credit;
- Concurrent enrollment partnership and dual enrollment courses offered for high school and college credit;
- What concurrent enrollment partnership and dual enrollment courses are offered by high schools, community colleges, or technical colleges;
- What career and technical education courses are offered by high schools that will not lead to credentialing;
- The number of students with documented accommodations who are not enrolled in a gifted program;
- First-time pass rate of students who have earned approved standard career and technical education credentials in the prior three years;
- First-time pass rate of students who have earned approved high-value credentials in the prior three years;
- Credentials earned in the prior three years and number of students who earned such credentials; and
- Amounts paid by school districts for students to take credential exams.

The Kansas State Department of Education is required to compile the results of said survey and present the results to the House Committee on Education and the Senate Committee on Education on or before January 15, 2023.

The bill requires the State Board, on or before July 31, 2023, and on each July 31 thereafter, to review and approve a list of high-value industry-recognized credentials and a list of standard industry-recognized credentials. The bill requires the list to be prepared by a committee established by the State Board that includes representatives from the following organizations:

- Association of Community College Trustees;
- Kansas Technical Education Authority;
- Kansas Technical College Association; and
- Kansas Association of School Boards.

The bill requires the State Board to establish the Secondary Career Technical Education Credentialing and Student Transitioning to Employment Success Pilot Program for the 2022-2023 academic school year that targets high school students with documented accommodations who are not enrolled in a gifted program.

For such students located within the Washburn Institute of Technology service area, the following shall occur:

- Washburn Institute of Technology will receive a \$20,000 stipend for additional counseling services for eligible students and additional coordination services with participating high schools;
- Each participating high school will receive a \$500 stipend for additional student counseling service and coordination with Washburn Institute of Technology; and

- Participating high schools will be reimbursed for the cost of the credential exam for any participating student who takes a credential exam.

The bill requires a preliminary report from participating school districts and the Washburn Institute of Technology to be presented to the House Committee on Education and the Senate Committee on Education on or before February 1, 2023. The bill lists elements the report must include.

Student Online Personal Protection Act

The bill amends the Student Online Personal Protection Act to exclude national assessment providers that administer college and career readiness assessments from the definition of “operator.” The bill permits a national assessment provider to administer a college and career readiness assessment questionnaire or survey to any student enrolled in grades K- 12 without prior written permission from such student’s parent or guardian.

Vision Screenings and Interpreter Licensure; SB 62

SB 62 amends state standards for free school-administered vision screenings, establishes the Kansas Children’s Vision Health and School Readiness Commission, authorizes the Kansas Commission for the Deaf and Hard of Hearing to adopt rules and regulations, establishes a sign language interpreter registration process, and provides guidelines for communication access services.

Interpreter Registration

The bill requires any person seeking to interpret in the state to be registered with the Kansas Commission for the Deaf and Hard of Hearing (CDHH) by submitting an application, as prescribed by the CDHH, and paying the registration fee. To be registered, the bill requires all applicants to:

- Have obtained a high school diploma or equivalent certificate;
- Be 18 years of age or older;
- Have no other record of disqualifying conduct as determined by the CDHH; and
- Have obtained a certification or other appropriate credential as determined by the CDHH.

Reciprocity Registration

The bill allows the CDHH to establish a reciprocity system where applicants licensed in another state, territory, or the District of Columbia may be registered if the CDHH deems the applicant to have substantially met the Kansas qualifications. Applicants seeking registration in this manner would be required to provide evidence and verification of their licensure or registration in their original state.

Temporary Registration

The bill allows the CDHH to provide temporary registration for nonresidents who are licensed or registered in their state of residence. The temporary registration allows the individual to interpret no more than 20 separate days in the state within a year.

Registration Expiration and Notification

Expiration of an interpreter's registration will be determined by the CDHH under its rules and regulations authority. The bill requires notice of renewal to be sent to all interpreters a minimum of 60 days prior to expiration of their registration. The bill also provides a 30-day grace period after the expiration of an interpreter's registration without incurring a late fee. Following the grace period, the CDHH is authorized to charge a late fee not to exceed \$200. The fee will be set in the CDHH's rules and regulations.

An interpreter whose registration has expired without submitting a renewal application could renew their registration upon payment of the late fee and submission of their evidence showing continuing education requirements have been met. The bill allows the CDHH to require additional testing, training, or education for interpreters seeking registration renewal after the 30-day grace period.

Continuing Education

The bill requires all registered interpreters to attend a minimum of 30 hours of continuing education programming within a 2-year period as a condition for registration renewal.

Fingerprinting and Background Checks

The bill authorizes the CDHH to require applicants for registration as interpreters to be fingerprinted and submit to both state and federal criminal history record checks. The CDHH is allowed to use the information garnered from this practice to determine an applicant's qualifications and fitness for registration as an interpreter.

The bill directs local and state law enforcement agencies to assist the CDHH in taking the fingerprints of applicants and may charge a fee for expenses incurred to the CDHH. The Kansas Bureau of Investigation is required to release all the applicant's adult convictions to the CDHH.

The CDHH is allowed to fix and collect a fee in an amount equal to the cost of the fingerprinting and criminal history record check services provided.

Denial of Registration

The bill authorizes the CDHH to deny, condition, limit, revoke, or suspend registration of any individual who:

- Has been found incompetent or negligent in the practice of interpreting;
- Has been convicted of a felony offense or a misdemeanor against persons and is deemed not sufficiently rehabilitated by the CDHH;
- Submits an application containing false, misleading, or incomplete information;
- Fails or refuses to provide any information requested by the CDHH;
- Fails or refuses to pay required fees;
- Is currently listed on a child abuse or adult protective services registry and is deemed not sufficiently rehabilitated by the CDHH;

- Had a license, registration, or certificate to practice as an interpreter revoked, suspended, or limited or been subject of other disciplinary action by another state, territory, or the District of Columbia; or
- Had an application for such license, registration, or certificate denied by another state, territory, or the District of Columbia.

Proceedings

The bill requires all administrative and disciplinary proceedings regarding interpreter registration to be conducted in accordance with the Kansas Administrative Procedure Act and be subject to the Kansas Judicial Review Act.

Rules and Regulations

The bill requires the executive director of the CDHH (Director) and the CDHH to adopt rules and regulations regarding, but not limited to, the following:

- Fees;
- Categories of interpreter certification and endorsements;
- Continuing education requirements and programs for registered interpreters;
- Code of professional conduct;
- Supervision and mentorship requirements and programs;
- Suspension and revocation of interpreter registration; and
- Other matters deemed necessary by the Director to effectuate provisions of the bill.

Unlawful Acts

The bill makes it unlawful for persons not registered with the CDHH to:

- Practice as an interpreter;
- • Hold out to the public the intention, authority, or skill to interpret;
- • Provide video remote interpreting services; or
- • Use a title or abbreviation to indicate one is an interpreter registered with the Commission.

The bill also deems the following actions by an individual to be unlawful:

- Causing or permitting a person to interpret in the state with the knowledge that such person is not registered with the CDHH;
- Representing a person as a registered interpreter when it is known or should be reasonably known such person is not registered;
- Holding out a person to the public, on behalf of such person, the intention, skill, or authority to interpret when it is known or should be reasonably known such person is not registered; and
- Accepting payment for securing an interpreter when the person provided is not registered.

The bill exempts the following individuals from the registration requirements in the bill:

- A person interpreting during a religious event;
- A person interpreting as a volunteer without compensation after receiving approval from the Director or CDHH;
- A person interpreting during an emergency until registered services can be obtained; or
- A student enrolled in and pursuing a degree or credential in interpreting or an interpreter training program or a provisional interpreter with a supervision plan overseen by the CDHH.

The bill authorizes the CDHH to bring action against individuals committing the aforementioned unlawful activities in a court of competent jurisdiction in order to seek an injunction against the individual.

Communication Access Services

The bill requires the CDHH to develop guidelines for the utilization of communication access services, communication access service providers, and interpreter service agencies. The Director may adopt rules and regulations for communication access services regarding, but not limited to:

- Fees;
- Determination of qualifications;
- Minimum standards of training;
- Registration;
- Code of professional conduct;
- Standards of equipment or technology;
- A system of statewide coordination; and
- Any other matter the Director deems necessary to effectuate this section of statute.

The bill authorizes the CDHH to carry out fingerprinting and state and federal criminal history checks for communication access service providers in the same manner as prescribed for interpreters. Local and state law enforcement is required to assist with fingerprinting and would be permitted to charge a fee as reimbursement for expenses in the same manner as prescribed for interpreters.

The bill also allows the CDHH to use the information garnered from this practice to determine an applicant's qualifications and fitness for registration as a communication access service provider and charge a fee equal to the cost of delivering such services..

Fee Fund

The bill establishes the Commission for the Deaf and Hard of Hearing Registration Fee Fund (Fund). The bill provides provisions for the remittance of moneys to be deposited into the State Treasury and credited to the Fund.

Definitions

The bill defines the following terms:

- “Accredited nonpublic school” means all nonpublic elementary and secondary schools accredited by the State Board of Education;
- “Board of education” means the board of education of any school district;
- “Commission” means the CDHH;
- “Communication Access Services” means, but not be limited to the following;
 - Communication access real-time translation services;
 - Notetakers;
 - Open and closed captioning services;
 - Support service providers for the deaf-blind; and
 - Any other effective method of making aurally delivered information available to individuals who are deaf or had of hearing;
- “Communication Access Service Provider” means an individual who is trained to offer a communication access service to an individual who is deaf, hard of hearing, or has speech and language impairments;
- “Executive Director” means the executive director for the Kansas Commission for the deaf and hard of hearing;
- “IDEA part B” means all statewide programs providing special education and related services to children with disabilities aged three through five in accordance with 20 U.S.C. § 1411, and amendments thereto;
- “Interpreter” means an individual engaged in the practice of interpreting;
- “Interpreter Service Agency” means an entity that contracts with or employs registers interpreters in order to provide interpretation services for a fee;
- “Interpreting” means the translating or transliterating of either English concepts or communication modes for individuals who are deaf, hard of hearing, or have speech and language impairments;
- “School district” means any school district organized under the laws of this state;
- “Video Remote Interpreter” means an interpreter who engages in interpreting via a videoconferencing platform;
- “Video Remote Interpreting” means the process that allows deaf or hard of hearing individuals to communicate with hearing individuals at the same location through an interpreter utilizing a videoconferencing platform; and
- “Vision Screener” means any school nurse, or the nurse’s designee, or other person who is trained to administer a vision screening test to students in the State of Kansas.

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

Frequency of Vision Screenings

The bill provides children with free basic vision screenings as follows:

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

- Within the first year of admission for any student enrolled in a school district or an accredited nonpublic school.

Entity Responsible for Providing Vision Screenings

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

Performance and Reporting of Vision Screenings

The bill requires basic vision screening to be performed by a vision screener designated by the board of education or by an accredited nonpublic school. The bill requires vision screeners to follow the most recent state vision screening guidelines. The bill requires the results of the screening and any necessary referral for an examination by an ophthalmologist or optometrist to be reported to the parents or guardians of the student and require any such referral to show no preference in favor of any ophthalmologist or optometrist.

Kansas Children's Vision Health and School Readiness Commission

Commission Membership and Reimbursement

The bill establishes an eight-member Kansas Children's Vision Health and School Readiness Commission (Commission) to ensure the implementation of the provisions of the bill, with membership appointed by the State Board of Education and composed of one member representing each of the following: optometrists, ophthalmologists, a health organization dedicated to preventing blindness, the State Department of Education, the Kansas Department of Health and Environment, school nurses, public health nurses, and school administrators. The bill requires the Commission members to serve without reimbursement for meeting expenses.

Duties of the Commission

The bill establishes the following duties of the Commission:

- Oversee the revision of state vision screening requirements and guidelines at least once every seven years;
- Provide standardized vision screening referral letters and eye professional examination reports as referenced in the Kansas vision screening requirements and guidelines;
- Identify state resources that assist in providing opportunities to offer free or low- cost eye exams for students who fail vision screenings and are unable to afford an examination on their own; and
- Establish a system to collect data from school health personnel concerning the results of the original screenings and referral outcomes, and issuing an annual report to the Secretary of Health and Environment and the Commissioner of Education.

Commission for the Deaf and Hard of Hearing

The bill amends the responsibilities of the CDHH by including a charge to provide public education on best practices for language acquisition development among deaf and hard of hearing children as well as promote the eradication of ignorance and discrimination toward deaf and hard of hearing individuals in schools and employment.

The bill also authorizes the CDHH to carry out the programs established in the bill, become a member or affiliate with professional organizations related to the Commission's scope, and undertake acts necessary to carry out the CDHH's powers, duties, and functions.

The bill allows the CDHH to fix, charge, and collect reasonable fees for interpreter registration, communication access services, and sign language instruction.

Commission for the Deaf and Hard of Hearing – Executive Director

The bill requires the Director to report directly to the Secretary or Deputy Secretary for Children and Families. The bill also requires the Director to be paid a comparable salary to executive directors of other commissions and provide that the CDHH must supervise and evaluate the Director. The Director is authorized to provide statewide coordination for communication access services.

AGRICULTURE

Veterinary Training Program; HB 2605

[HB 2605](#) expands and clarifies the requirements for the Veterinary Training Program for Rural Kansas (Program) at Kansas State University College of Veterinary Medicine (KSU CVM) and creates an advisory committee to oversee the Program.

Advisory Committee

The bill creates an advisory committee to help select students, determine the needs of the Program, and provide input to the KSU CVM. The advisory committee will consist of members including:

- Two representatives from the Kansas Veterinary Medical Association (KVMA);
 - Including one member of the KVMA's Executive Committee, and
 - One member who has received the scholarship under the Program;
- The Animal Health Commissioner;
- Two members appointed by the Kansas Department of Agriculture (KDA); and
- Two representatives from the KSU CVM.

Changes to the Program

Current law provides each student enters the Program with a loan of \$20,000 per year. The bill changes the loan amount to an amount not to exceed \$25,000 per year. The bill also allows veterinary students who are past their first year to enter into the Program.

For each person signing an agreement to enter the Program, the bill changes the requirements for engaging in the full-time practice of veterinary medicine after graduation. The student could engage in either of the following:

- Full-time practice of veterinary medicine in any Kansas county with a population not exceeding 40,000 people (increased from 35,000 people); or
- Full-time practice of veterinary medicine in a registered veterinary premise under a licensed veterinarian, if food animal patients make up at least 50 percent of such veterinarian's practice.

The bill also makes clarifying amendments regarding program agreements with veterinary students who have met the requirements of the bill.

Continuation of Agreement

The bill allows a person engaged in the full-time practice of veterinary medicine in accordance with a program agreement to continue practice in a county that no longer meets the county population requirement, provided the person is practicing in a registered veterinary premises where food animal patients make up at least 50 percent of the practice.

Definitions

The bill adds definitions for "animal," "advisory committee," and "food animal."

STATE EDUCATION BUDGET

K-12 Education Appropriations and Other Provisions; Senate Sub. for HB 2567

[HB 2567](#) makes appropriations for the Kansas Department of Education (KSDE) for FY 2022, FY 2023, and FY 2024, makes adjustments to the Kansas School Equity and Enhancement Act (KSEEA), and amends various provisions of law related to K-12 Education.

New Sections 1-4 and Sections 28-33 of the bill will be in effect upon publication in the *Kansas Register*; sections 6, 8, 9, 13, 15-18, and 35-38 will be in effect beginning July 1, 2023; and sections 5, 7, 10-12, 14, 19-27, and 34 will be in effect beginning July 1, 2022.

The bill:

- Makes appropriations for the KSDE for FY 2022, FY 2023, and FY 2024 (Sections 1-4);
- Establishes Every Child Can Read Act (New Sections 5 and 6);
- Authorizes boards of education of school districts to allow students enrolled in grades 6 through 12 to earn course credits through alternative educational opportunities (New Section 7);
- Establishes a transfer system for nonresident students between unified school districts based upon the student capacity of each unified school district (Sections 8, 9, 13, and 15-18);
- Amends the Johnson County Research Triangle Authority Act (Section 10);
- Amends reporting requirements for the Kansas State High School Activities Association (KSHSAA) (Section 11);
- Requires local school boards to annually review state academic assessments and utilize such assessments and the school district's building needs assessment when reviewing and approving the school district's budget (Section 12);

- Amends the compulsory school attendance statute to consider students enrolled in a combination of public and private school during the required periods of time as compliant with compulsory attendance requirements (Section 14);
- Amends the Virtual School Act to prohibit any virtual school from offering or providing any financial incentive for a student to enroll in a virtual school (Section 19);
- Amends the Virtual School Act to require that a virtual school's graduation rate shall include only those students who enrolled in a virtual school with sufficient credits to be expected to graduate in the same school year as such student's cohort group (Section 19);
- Amends the virtual school finance system to provide funding on a per-course basis for a student who is 19 years of age and younger and meets certain other requirements (Section 20);
- Amends the Tax Credit for Low Income Students Scholarship Program (Section 21);
- Amends the calculation of local foundation aid within the KSEEA by removing federal impact aid from the formula and amend the calculation of capital improvement state aid (Sections 22 and 23);
- Amends the school and school district accountability reports law and requires KSDE to prepare and submit to the Governor and the Legislature a summary report regarding student achievement (Section 24);
- Establishes the Capital Improvement State Aid Fund and identifies transfers as revenue transfers from the State General Fund (SGF) (Sections 25 and 26);
- Amends the Kansas Promise Scholarship Act (Sections 28-33);
- Amends parental notification and consent requirements regarding nonacademic tests, questionnaires, surveys, or examinations regarding a student's personal and private attitudes, values, beliefs, or practices (Section 27); and
- Establishes educational benefits for dependents or spouses of certain first responders and military personnel (Section 34).

Appropriations for FY 2022, FY 2023, and FY 2024 (New Sections 1-3)

FY 2022 (New Section 1)

The bill appropriates the following from the SGF in FY 2022 for KSDE:

- \$178,986 for the Education Superhighway; and
- \$10.3 million for Supplemental State Aid.

The bill modifies the SGF appropriation, in FY 2022, for KSDE. The bill lapses the following moneys appropriated from the SGF in FY 2022:

- \$25,749 for operating expenditures;
- \$7.8 million for the Kansas Public Employees Retirement System (KPERs) non-Unified School Districts (USDs);
- \$24.0 million for the KPERs-USDs; and
- \$58.6 million for State Foundation Aid in FY 2022.

FY 2023 (New Sections 2 and 3)

The bill appropriates \$6.4 billion, including \$4.2 billion SGF, for FY 2023 for KSDE. This includes \$5.3 billion, including \$4.2 billion SGF, for the major categories of school finance, KPERS-USDs, and KPERS-non-USDs. Appropriations from the SGF include the following:

- \$14.2 million for operating expenditures;
- \$157.3 million for State Foundation Aid;
- \$54.0 million for Supplemental State Aid;
- \$80,000 for Center for READING;
- \$37.7 million for KPERS-non-USDs;
- \$520.8 million for KPERS-USDs;
- \$2.8 million for the ACT and WorkKeys Assessments Program;
- \$10.5 million for the Mental Health Intervention Team Pilot Program;
- \$300,000 for the Juvenile Transitional Crisis Center Pilot;
- \$67,700 for Education Commission of the States dues;
- \$10,000 for the School Safety Hotline;
- \$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;
- \$520.4 million for Special Education Services Aid;
- \$360,693 for Governor's Teaching Excellence Scholarships and Awards;
- \$1.8 million for Professional Development State Aid;
- \$4.0 million for a virtual math program (SGF moneys would lapse if American Rescue Plan Act [ARPA] funds are available);
- \$1.0 million for Computer Science Education Advancement Grants;
- \$40,000 for the Computer Technical Education Pilot;
- \$1.5 million for Career and Technical Education Transportation; and
- \$4.0 million for School Safety and Security Grants.

The bill also appropriates \$1.0 million from federal ARPA funds through the Office of the Governor for School Safety and Security Grants for FY 2023. The bill allows school districts to expend school safety and security grants for salaries and wages related to newly created school resource officer positions in addition to existing allowable purposes.

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;
- \$20.7 million for CIF grants;
- \$8.4 million for the Parent Education Program, also known as Parents as Teachers;
- \$4.2 million for the Pre-K Pilot Program;
- \$1.4 million for Early Childhood Infrastructure; and
- \$500,000 for the Dolly Parton Imagination Library.

The bill provides for the following transfers:

- \$50,000 on July 1, 2022, or as soon as moneys are available, from the Family and Children Trust Account of the Family and Children Investment Fund of the KSDE to the Communities in Schools Program Fund of the KSDE;
- \$550,000 on March 30, 2023, and \$550,000 on June 30, 2023, from the State Safety Fund to the SGF to reimburse costs associated with services provided by other state agencies on behalf of KSDE;
- \$73,750, 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 the 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 \$260,535 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 in KSDE for FY 2023.

The bill appropriates \$41.4 million from the Expanded Lottery Act Revenues Fund for KPERS-non-USDs.

The bill appropriates \$4.0 million from federal ARPA funds in FY 2023 through the Office of the Governor for KSDE to implement a virtual math program to be made available to all school districts. The bill specifies that KSDE is required to recommend use of the virtual math program to all school districts. The bill also states that if ARPA funds are not available, the virtual math program will be funded with SGF moneys.

The bill requires the virtual math program to be customized to Kansas curriculum standards, be evidence-based, not impose any fee upon students, provide tutoring in multiple languages, provide professional development for the implementation of the program, and have been implemented in other states over the previous eight fiscal years.

All districts implementing a virtual math program are required to track and report to KSDE twice during school year 2022-2023, as determined by KSDE, the number of attendance centers and students using a virtual math program, the number of students not using a virtual math program, the number of teachers participating in professional development provided by a virtual math program, and the effect of the program on student academic proficiency. KSDE is required to submit a summary report to the House Committee on K-12 Education Budget and the Senate Committee on Education including a list of school districts and attendance centers that are using a virtual math program, a list of school districts and attendance centers not using a virtual math program, and a comparison between low-usage and high-usage school districts and attendance centers.

The bill also increases virtual state aid from \$5,000 per full-time pupil to \$5,600 per full-time pupil and increases virtual state aid from \$1,700 per part-time pupil to \$2,800 per part-time pupil, beginning in FY 2023.

FY 2024 (New Section 4)

For FY 2024, the bill appropriates from the SGF \$2.6 billion for State Foundation Aid and \$568.2 million for Supplemental State Aid. The bill also authorizes expenditures from the State School District Finance Fund and the Mineral Production Education Fund. The bill appropriates \$2.0 million SGF for FY 2024 for the virtual math program.

Every Child Can Read Act (New Sections 5 and 6)

Purpose (New Section 5)

The bill provides a legislative statement of intent regarding the promotion of academic achievement in schools.

Every Child Can Read Act (New Section 6)

The bill enacts the Every Child Can Read Act to promote third-grade literacy initiatives. This section requires the board of education of each school district to provide opportunities for students to participate in targeted educational interventions. The bill requires literacy to be attained through the Science of Reading, evidence-based reading instruction, and necessary competencies to attain proficiency. Schools are required to follow and use the framework of KSDE's Dyslexia Handbook.

- Phonics;
- Vocabulary development;
- Reading fluency; and
- Reading comprehension.

The bill requires each school district to measure student achievement through state assessments and through other universal screening and assessment tools that are approved by the local board of education, or by KSDE. School districts must provide targeted and tiered interventions designed to match a student's individual needs through additional contact hours with the student, which may include additional one-on-one instruction, small group instruction, tutoring, or summer school.

Additionally, school districts must ensure that each third-grade teacher communicates with the parents of each third-grade student at least once each semester regarding the student's individual deficiencies and any recommended interventions for such student. Such teacher- to-parent communication must provide the parent with:

- A summary of the Every Child Can Read Act and the goals of the Act;
- The student's assessment data that pertains to literacy;
- Recommended interventions for the student; and
- How the school district tracks outcomes of those interventions.

The bill also requires each school district to annually report information regarding the school district's implementation of the Every Child Can Read Act to KSDE including:

- The school district's interventions and outcomes of such interventions;

- The number of third-grade students in the district;
- The screening and assessment data that the district is using to evaluate student progress in literacy; and
- The percentage of all students and student subgroups who are proficient, moving towards proficiency, or deficient.

The bill requires KSDE to annually submit a summary of such reports to the Governor and Legislature.

Alternative Educational Opportunities (New Section 7)

The bill authorizes school district boards of education to adopt policies to allow students enrolled in grades 6 through 12 to earn course credits through alternative educational opportunities with sponsoring entities. The bill defines the following terms:

- “Alternative educational opportunity” means the instruction that primarily occurs outside the classroom with a sponsoring entity; and
- “Sponsoring entity” means a business, not-for-profit organization, nonprofit organization, trade association, parent of a student, teacher, or administrator that partners with a school district to provide an alternative educational opportunity to students.

Alternative Education Policy

The bill requires a school district’s policy to establish the following:

- Eligibility requirements for sponsoring entities;
- Requirements for the provision of alternative educational opportunities by sponsoring entities;
- Procedures for a sponsoring entity to submit a proposal to the school district to provide an additional educational opportunity to students;
- Criteria the school district will use to evaluate proposals; and
- Course credit that may be earned through the alternative educational opportunity.

Alternative Education Proposals

The bill authorizes a school district to accept a proposal from a sponsoring entity if the alternative education opportunity:

- Provides an additional learning opportunity through a work-based, pre- apprenticeship, apprenticeship, internship, industry certification, or community program; and
- Is approved by the State Board of Education (State Board) as an alternative educational opportunity; or
- Complies with the school district policies adopted pursuant to the program; and • Is managed and directed by a licensed teacher employed by the school district.

State Board of Education

The bill allows a sponsoring entity to petition the State Board to approve an alternative education opportunity that is provided through such sponsoring entity if such alternative education opportunity provided through such sponsoring entity is generally applicable on a statewide or regional basis across multiple school districts. The State Board is required to approve or deny each petition proposing an alternative educational opportunity within 90 days of receipt of such proposal.

If the State Board denies the proposal, it must provide the sponsoring entity with the reasons for such denial. If the State Board approves such proposal, any school district is permitted to implement the alternative education opportunity. The State Board may revoke any such approved proposal if it determines that the sponsoring entity fails to comply with the requirements of the program.

Reporting Requirement

The bill requires school districts to report information to KSDE on the alternative educational opportunities that are authorized in the school district, the names of the sponsoring entities, the number of students participating, and the number of credits earned.

Open Enrollment (New Sections 8-9, Section 13, and Sections 15-18)

Definitions

The bill defines various terms including, but not limited to, “homeless child,” “nonresident student,” “receiving school district,” and “sending school district.”

Transfer Policy

The bill requires each board of education (board) of a school district (district) to adopt a policy to determine the capacity of the district to accept nonresident students in each grade level on or before January 1, 2024.

The bill requires the policies to be consistent with the provisions of the bill and clearly specify reasons for the denial of continued enrollment by a nonresident student. Such reasons for denial could include, but are not limited to, elements such as a nonresident student’s history of school absenteeism, suspensions, or expulsions.

Prior to adopting such policy, the board must hold a hearing. The board must provide notice of the hearing, to include the time, date, and place of the public hearing to be held on the proposed policy. The bill requires the notice to be published at least once each week for two consecutive weeks in a newspaper of general circulation in the school district and posted on the school district’s website. A representative of the board must present the board’s proposal for the policy at the hearing, and the board must hear testimony regarding the proposed policy. After consideration of the testimony and evidence presented or submitted at such public hearing, the board will determine whether to adopt the policy or revise the proposed policy at a subsequent public meeting of the board.

The bill requires policies adopted by the board pursuant to this bill to be published on the district’s website.

Public School Eligibility

The bill amends law regarding where students may attend public school by no longer requiring a student's resident school district to have an agreement with the nonresident school district where the student wishes to attend.

Open Enrollment Procedure

The bill authorizes, beginning in the 2024–2025 school year, any student eligible to attend a public school within the state to attend a school within a district regardless of whether the student is a resident of the district, if the nonresident district has open capacity.

Capacity

The bill requires capacity to be determined as the classroom student-teacher ratio in each grade for grades kindergarten through 8 and the student-teacher ratio for each school building or program in each school building for grades 9 through 12.

On or before May 1 of each year, each local board must determine the following for each grade level in each school building within the district:

- Capacity of the district;
- Number of students expected to attend school in the district; and
- Number of open seats available for nonresident students.

The bill requires the number of open seats available for nonresident students to be published on the district's website by June 1 of each year for each grade level at each school building.

Transfer Application Process

The bill allows students to submit applications to nonresident school districts between June 1 and June 30 each year for the fall semester.

If the number of applications to a district is equal to or less than the available capacity for a grade level in a district, all applicants must be accepted for enrollment within the district. If the number of applications exceeds the capacity for a grade level within the district, the district will randomly select nonresident students via a lottery process on or before July 15 of each year.

Student Denial

The bill requires any district denying the continued enrollment of a nonresident student or denying the acceptance of a new nonresident student to notify the student's parent or guardian of the reason for denial. Reasons for such denial can include, but are not limited to, elements such as a nonresident student's history of school absenteeism, suspensions, or expulsions.

[*Note:* Students can be denied acceptance to a nonresident district only if there is no capacity or they were not selected during the lottery process.]

Nonresident Enrollment Priority and Exceptions

The bill provides priority enrollment to the siblings of an accepted, nonresident student during the initial acceptance or at any other time the district considers applications. Siblings are not subject to the open seat lottery.

The bill allows any student in the custody of the Department for Children and Families (DCF) living in the home of a nonresident student to attend school in the receiving district.

Prohibitions

The bill prohibits districts from charging tuition or fees to nonresident students except for fees otherwise charged to every student enrolled and attending in the district. Districts are also prohibited from admitting or denying students based upon the following criteria:

- Ethnicity;
- National origin;
- Gender;
- Income level;
- Disabling condition;
- Proficiency in the English language;
- Measure of achievement;
- Aptitude; or
- Athletic ability.

Continued Enrollment

The bill states that any nonresident student who has been accepted for enrollment and attendance at a receiving district could continue at the district until the student graduates from high school or is no longer in good standing based upon the nonresident transfer policy of the district.

The bill reaffirms that students may enroll at any time in the district in which the student resides.

Transportation

The bill does not require a district to provide transportation to nonresident students; however, if space is available on district transportation vehicles, a district can provide nonresident students with a bus stop within the district where transportation can be provided to and from school for nonresident students.

Kansas State High School Activities Association

The bill states that nonresident students who transfer would be subject to policies and requirements of the KSHSAA.

Reporting

The bill requires boards to submit the number of nonresident student transfers approved and denied, and the reason for the denials, to KSDE. Such numbers will be compiled by KSDE and

will be reported on the KSDE website and provided to the Legislative Division of Post Audit (LPA).

The bill requires KSDE to audit a district's nonresident student capacity and enrollment during a district's annual enrollment audit.

In calendar year 2027, the bill requires the Legislative Post Audit Committee to direct LPA to conduct an audit of nonresident student transfers. The bill requires the audit to be presented to the Legislative Post Audit Committee on or before January 15, 2028, and then presented to the House Committee on K-12 Education Budget and the Senate Committee on Education.

The bill also clarifies open enrollment will not apply to school districts on military bases. [*Note:* This provision currently applies only to USD 207, Fort Leavenworth.]

The bill also makes corresponding changes to other sections of law.

Johnson County Research Triangle (Section 10)

The bill authorizes use of funds remitted to the Johnson County Research Triangle to be used for other undergraduate and graduate programs at the Johnson County location of Kansas State University that have been both approved by the Johnson County Research Triangle Authority Board of Directors and do not include either pre-baccalaureate programs or lower-division courses for high school students.

Kansas State High School Activities Association Reporting (Section 11)

The bill makes KSHSAA board members, officers, and employees mandatory reporters of child abuse or neglect.

Using Needs Assessment in Budget Process (Section 12)

The bill requires local school boards to annually review state academic assessments and utilize such assessments and the school district's building needs assessment when reviewing and approving the school district's budget.

The bill requires a local school board to utilize the district's building needs assessment during approval of the school district budget. The bill requires school boards to include in their minutes during approval of the budget that the board received the district's needs assessment, how the board evaluated said assessment, and how said assessment was utilized in the district's budget.

The bill requires a school board to conduct an annual review of state assessment results for its district and that the review document the following findings:

- Barriers that must be overcome for all students to achieve above level 2 proficiency on state assessments;
- Budget actions that should be taken to address and remove barriers; and
- The amount of time the board estimates it will take for all students to achieve above level 2 on state assessments if budget actions are implemented.

Each school district must ensure all building needs assessment and state assessment documentation is available on the district's website.

Part-time Enrollment (Section 14)

The bill amends the compulsory school attendance statute to consider students enrolled in a combination of public and private school during the required periods of time as compliant with compulsory attendance requirements. The bill also makes changes regarding when a student 16 to 17 years of age may be exempt from compulsory attendance:

- Clarifying that, following a final counseling session with the school, the student's parent or person acting as parent can provide written consent to allow exemption; and
- Including an exemption for a child subject to a court order that allows or requires the child be exempt from compulsory attendance.

The bill also requires school districts to allow for the part-time enrollment of students who are also enrolled in a private school or home school. Each board of education of a school district must adopt a policy to allow such students to enroll and attend any courses, programs, or services offered by the school district.

If school districts receive specific scheduling requests from part-time enrolled students, the bill requires the school district to make a good faith attempt to accommodate such requests, but the bill would not require such school district to accommodate all requests.

Virtual School Graduation Rates and Virtual School Financial Incentives (Section 19)

Virtual School Graduation Rates

The bill amends the Virtual School Act to require a virtual school's graduation rate to include only those students who enrolled in a virtual school with sufficient credits to be expected to graduate in the same school year as such student's cohort group. The bill requires that this graduation rate calculation be done only at the state level for accreditation purposes.

Virtual School Financial Incentives

The bill amends the Virtual School Act to prohibit any virtual school from offering or providing any financial incentive for a student to enroll in a virtual school. A financial incentive is defined as any monetary payment or award that is intended to encourage, entice, or motivate a student to enroll in a virtual school.

Virtual Diploma Completion (Section 20)

Virtual Diploma Completion

The bill amends the virtual school finance system to provide funding on a per-course basis for a student who is 19 years of age or younger and:

- Has a ratio of earned credits to expected credits for their cohort year of less than 75.0 percent when enrolling in a virtual school;
- Has done one of the following:

- Dropped out of high school such that the student has not attended any school of a school district for 60 consecutive days or more during the current school year and the student is not reasonably anticipated to recommence enrollment or attendance at any school or school district during the current school year;
- Dropped out of high school such that the student has not attended any school of a school district for 60 consecutive days or more during the preceding school year, and the student did not finish such preceding school year, and the student is not reasonably anticipated to recommence enrollment or attendance at any school of a school district during the current school year; or
- Been exempted from compulsory student attendance by written consent of the parent pursuant to KSA 72-3120; and
- Has not been counted in the enrollment of a virtual school as a full-time or part-time virtual student during the school year in which such student enrolls as a dropout diploma completion virtual student.

The bill authorizes virtual schools to receive \$709 per passed course with a maximum for six courses per year, per eligible student.

Tax Credit for Low Income Students Scholarship Program (Section 21)

The bill amends the Tax Credit for Low Income Students Scholarship Program Act to include children seven years of age or under in the definition of “eligible student.”

Federal Impact Aid and Capital Improvement State Aid (Sections 22 and 23)

The bill amends the calculation of a unified school district’s local foundation aid by removing the requirement that 70.0 percent of a school district’s federal impact aid be included in the calculation.

[*Note:* Federal impact aid is provided to school districts that have lost property tax revenue due to the presence of tax-exempt federal property or serve large numbers of federally connected students.]

The bill extends the statutory cap on the aggregate amount of school district general obligation bonds the State Board may approve to June 30, 2027.

School districts that are not eligible to receive capital improvement state aid or that have opted out of receiving such aid are exempt from the general obligation bond cap.

For all general obligation bonds approved at elections held on or after July 1, 2022, the bill removes Unified School District 207, Fort Leavenworth, from the determination of the school district with the lowest assessed value per pupil (AVPP), and the capital state aid computation would begin at 51.0 percent.

The bill also excludes all students enrolled in a virtual school within a school district from the determination of that district’s AVPP.

Student Achievement Summary Report (Section 24)

The bill amends school and school district accountability reports law to require KSDE to prepare and submit to the Governor and the Legislature a summary report regarding student achievement. Such report must provide:

- A statewide summary of the performance accountability reports and longitudinal achievement reports that are prepared by KSDE, which include:
 - Achievement results from English language arts (ELA) and math assessments over the preceding five years for all students and student subgroups to show whether there are statewide trends in academic achievement or learning loss;
 - A comparison to any other evaluation metric used by the State Board, such as college and career readiness or graduation rates;
 - A comparison to other educational assessments such as the National Assessment of Educational Progress (NAEP);
 - An analysis of trends in student achievement outcomes and a review of conditions that are impacting educational outcomes;
 - A review of the academic interventions that school districts are using to improve student performance, whether the State Board has any recommendations regarding interventions, and the estimated achievement gains of such interventions; and
 - A summary of performance levels and the scale and cut scores for the statewide assessments; and
- A student-focused longitudinal achievement report that provides information on achievement gains or losses for certain student cohort groups. Such report must begin with all students entering the third grade and the students entering eighth grade in school year 2022-2023 and summarize the longitudinal achievement of such students over a three-year period. KSDE must repeat such report every three years for such grade levels. Each longitudinal report must include:
 - A summary of the improvement or learning loss occurring within such cohorts;
 - An analysis of evaluations and metrics used to measure the year-over-year achievement of such student cohorts;
 - A review of the academic interventions that school districts use to improve student performance, whether the State Board has any recommendations regarding interventions, and the estimated achievement gains of such interventions; and
 - The achievement results from the ELA and math assessments and any other assessment data, such as the NAEP, ACT, and pre-ACT for such student cohort groups.

Surveys (Section 27)

The bill adds requirements for the administration of nonacademic surveys, including tests, questionnaires, and examinations in schools. The bill applies such requirements to any survey administered during the school day that contains questions about the personal and private attitudes, values, beliefs, or practices of the student or any of the student's family, friends, or peers. The bill requires the school to provide written notification prior to the administration of any such survey to the parent or guardian no more than four months in advance of the administration of the survey. The bill requires the written parental notification to include the following information:

- A copy of the survey;
- Information on how the parent can provide written consent for the student to participate;

- The name of the company or entity that produces or provides the survey; and
- Whether the school will receive or maintain the resulting data and how the school will use such data.

The bill provides that a parent's written consent can only be accepted by a school after the parent receives the required notification and has had an opportunity to review the information in such notification. A separate notification is required for each survey, and the parent's written consent is required upon each notification for a student to participate. If a parent provides written consent, the bill requires a student to be informed the student has the right to refuse to take such survey and not suffer any adverse consequences for the decision.

The bill requires each school to post and maintain copies of each survey that is administered in the school district. The bill requires copies to be posted on the school district website and updated as necessary. The bill also provides that no such survey shall be incorporated or embedded in any academic program, course, or curriculum offered or provided by a school district.

The bill prohibits the collection of any personally identifiable student data on any such survey.

Suicide Risk Assessments and Screening Tools

The bill allows designated school personnel (school personnel), if they become aware of a credible report of a student suicide risk, to administer a suicide risk assessment or screening tool to determine whether the student could be at risk for suicide. Such school personnel include, but are not limited to, any administrator, teacher, counselor, social worker, psychologist, or nurse.

Prior to the administration of the risk assessment or screening tool, the school personnel must verbally notify the parent or guardian. If the school personnel are not able to reach the parent or guardian and obtain consent after reasonable attempts to do so, the risk assessment or screening tool can be administered. If the risk assessment or screening tool was administered without the parent or guardian's consent, school personnel must notify the parent as soon as contact can be made that the risk assessment or screening tool was administered and provide the parent or guardian with all information obtained from the risk assessment or screening tool.

Promise Scholarships (Sections 28-33)

Definitions, Kansas Promise Scholarship Act

The bill amends the definition of "eligible postsecondary institution" by adding the requirement that any community college or technical college have a recognized service area in order to qualify.

The bill amends the definition of "part-time student" to clarify that enrollment in the required six credit hours could occur in the fall, summer, or spring semester.

The bill amends the term "promise eligible program" to require the program to be both approved by the Board and be considered high wage, high demand, or critical need. The bill also requires promise-eligible programs to be within a field of study designated in the bill.

[*Note:* These requirements are added to all other requirements within the program definitions.]

State Board of Regents

Responsibilities. The bill changes the date by which the State Board of Regents (Board) is directed to adopt rules and regulations for the Kansas Promise Scholarship Program (Program) from March 1, 2022, to March 1, 2023.

The bill also clarifies elements of the Board's responsibilities. The Board is no longer responsible for setting the deadline for scholarship applications but instead is responsible for accepting and processing scholarships throughout the year.

The Board is also prohibited from adopting terms, conditions, and requirements for scholarship agreements that are more stringent than the requirements for scholarship agreements provided in the Kansas Promise Scholarship Act (Act).

The bill adds responsibilities of the Board, including the following:

- Requesting information from state agencies necessary for administration of the Act;
- Accepting electronic signatures on all forms and agreements;
- Enforcing Kansas Promise Scholarship agreements;
- Collecting moneys repaid by students; and
- Determining fulfillment of residency work requirements.

The bill clarifies Kansas Promise Scholarship agreements are made between the Board and the student.

The bill establishes the process by which the Board may remove promise eligible programs from the list of approved programs.

Annual report. The bill clarifies the annual report requirement by stating that the report shall include, but not be limited to, the following information:

- Total program cost for each promise-eligible program at each eligible postsecondary institution;
- Amount of scholarship moneys awarded that went to each promise-eligible program;
- Number of credit hours paid for with scholarship moneys;
- Amount of scholarship moneys expected to be awarded to each eligible postsecondary institution for each semester;
- Number of scholarships awarded;
- Total amount of scholarship moneys awarded;
- Measures postsecondary educational institutions have taken in working with private business and industry in the state to determine appropriate fields of study;
- Review of the employment of scholarship recipients who have graduated from the Program including employment fields and geographic location of such employment; and
- Amount of scholarship moneys provided for:
 - Tuition;
 - Fees;

- Books; and
- Supplies.

Associate degree transfer program. The bill allows the Board to designate an associate degree transfer program as an eligible program if the program includes an established 2 + 2 agreement with a four-year postsecondary educational institution or an articulation agreement with said educational institution, and is part of an established degree pathway that allows for the transfer of a minimum of 60 credit hours.

The bill applies the designation of associate degree transfer programs retroactively to the enactment of the Program on July 1, 2021.

Scholarship funds. The bill requires the Board to disburse scholarship funds through reimbursement requests from eligible postsecondary institutions, and reimbursement requests shall be based upon the actual amount of awarded scholarships for the academic period. The bill states all requests shall be submitted to the Board on or before September 1, December 1, March 1, and June 1 of each year. The Board is required to disburse funds to eligible postsecondary institutions on September 15, December 15, March 15, and June 15 of each year.

The bill states the Board is the sole entity responsible for collection and recoupment of Kansas Promise Scholarship funds required to be repaid by students who fail to meet the requirements of the Act.

The Board is authorized to designate a loan servicer or collection agency to collection and recoup such funds on the Board's behalf.

Postsecondary Institutions

Requirements. The bill prohibits eligible postsecondary institutions from limiting scholarship awards to certain programs at the institution or awarding less than the full scholarship amount to students who qualify under the Act as long as funds are available.

Eligible postsecondary institutions are required to counsel eligible students regarding the requirements and conditions of the promise scholarship agreements.

The bill also clarifies that no eligible postsecondary education institution is permitted to advertise Kansas Promise Scholarships in any state other than Kansas.

Additional field of study. The bill amends the Program by allowing eligible postsecondary educational institutions to designate an additional field of study that meets local employment needs to be eligible for scholarships. To be eligible, the field of study must meet the following requirements:

- The field of study contains promise-eligible programs approved by the Board;
- The institution already offers such field of study; and
- The field of study is one of the following:
 - Agriculture;
 - Food and natural resources;
 - Education and training;

- Law, public safety, corrections, and security; or
- Distribution and logistics.

[*Note:* Current law allows for the designation of a single additional program rather than all eligible programs within a field of study.]

The bill requires all programs designated by eligible institutions prior to enactment of the bill to be maintained until all students currently enrolled have exhausted their promise scholarship eligibility.

Enforcement. The bill clarifies that eligible postsecondary educational institutions cannot be considered contractors of the State and are not required to participate in the tracking, collection, or recoupment of funds by students who fail to uphold the requirements of their scholarship agreement.

Kansas Promise Scholarships. The bill requires these scholarships be awarded for an academic year rather for a semester.

The bill also establishes a definition of “aid” to mean any grant, scholarship, or financial assistance awards that do not require repayment, with the exceptions of assistance provided under the Servicemen’s Readjustment Act of 1944 (GI Bill) or any family postsecondary savings account (Section 529 Accounts).

The bill removes language allowing excess funds to be awarded to eligible students whose family household income exceeds the limits in the Act.

The bill caps the expenditures for eligible students to either 68 credit hours or \$20,000, whichever occurs first, over the lifetime of the student. Students are also prohibited from using promise scholarship funds for the following:

- Prerequisite classes required for promise-eligible programs unless said prerequisite is within the eligible program; or
- Any remedial course as defined in statute unless offered in a corequisite format.

Eligibility requirements. The bill changes eligibility requirements for the Program by requiring a student to be a citizen of the United States and removing the requirement that the student be 21 years of age or older if they had not graduated from a secondary school within the 12 months prior to application.

The bill adds clarification to state that the three-year residency requirement must be proven by one of the following:

- Issuance date on a Kansas-issued identification card;
- Kansas voter registration records; or
- Kansas income tax documentation.

The bill makes students who had been in the custody of the Secretary for Children and Families at any time during grades 9 through 12, and not eligible for the Kansas Foster Child Educational Assistance Act, automatically eligible for promise scholarships.

The bill makes further clarifications to eligibility requirements, such as stating that the applicant's Free Application for Federal Student Aid (FAFSA) must be determined to be free of error codes and that the maintenance of satisfactory academic progress must be in the promise-eligible program for which the scholarship was awarded.

Kansas Promise Scholarship agreements. The bill changes the time in which a student must complete the Program from 30 months to 36 months from initial award of the scholarship.

The bill clarifies that the two-year residency requirement upon completion of a promise-eligible program must be verified by the scholarship recipient providing a W-2 wage and tax statement to show proof of Kansas withholding or estimated income tax to the State of Kansas.

The bill amends the terms of repayment by stating that the interest rate would be determined based upon when the student's first course funded under the Program began, rather than when the student entered into an agreement with the Board as in current law.

The bill clarifies that interest will begin accruing on the date when the student is determined to be out of compliance with the student's scholarship agreement.

For the purposes of determining a student's satisfaction of the Act's requirements, collection or recoupment of funds, or determination of eligibility, the bill authorizes all eligible postsecondary educational institutions and state agencies to provide the Board with the following information:

- Last known contact information for each student who has entered into, but not completed, a scholarship agreement;
- Notification of a student receiving a Kansas Promise Scholarship;
- Completion of a promise-eligible program by a student;
- Exhaustion of Kansas Promise Scholarship benefits by a student; and
- Information on any student exceeding the 36-month program completion requirement.

The bill states that a Kansas Promise Scholarship agreement cannot be terminated solely on the basis of an amendment to the Act, adopted rules and regulations, change in list of approved programs, or appropriations made under the Act.

Kansas Promise Scholarship funding. The bill removes the 150.0 percent escalator for appropriations after FY 2023 and provides for no more than \$10.0 million annually through FY 2027.

Kansas Hero's Scholarship Act (Section 34)

The bill changes the name of the tuition waiver for educational benefits for dependents or spouses of certain first responders and military personnel to the Kansas Hero's Scholarship Act. The bill adds definitions and increases the amount of reimbursement to Kansas educational institutions from \$350,000 to \$500,000 in any fiscal year for educational benefits.

Current law allows eligible students to enroll in a Kansas educational institution without charge of tuition and fees. Eligible students will include spouses and dependents of deceased, injured, or disabled public safety officers and employees and certain deceased, injured, or disabled military personnel and prisoners of war.

Definitions

The bill adds the following definitions:

- “Accident” means an undesigned, sudden and unexpected traumatic event, usually of an afflictive or unfortunate nature and often, but not necessarily, accompanied by a manifestation of force. An accident will be identifiable by the time and place of occurrence, produce at the time symptoms of an injury, and occur during a single work shift. The accident will be the prevailing factor in causing the injury.
- “Covered person” means a public safety officer or Kansas resident in military service to whom this section applies.
- “Fees” means those charges required by an institution to be paid by every student as a condition of enrollment. Fees do not include all other charges associated with the student’s academic program or living costs.
- “Injured or disabled” means the covered person, because of the injury or disability, has been incapable of performing the following duties:
 - The position being performed at the time the injury or disability was sustained; and
 - Any position that is at or above the pay level of the position the covered person was in at the time the injury or disability was sustained, if the covered person is a paid employee.
- “Injury and disability” means any lesion or change in the physical structure of the body causing damage or harm thereto that is not transitory or minor. Injury and disability may occur only by accident, intentional act of violence, or repetitive trauma.
- “Intentional act of violence” means one or a combination of the following:
 - A deliberate act by a third party that results in inflicting harm on a covered person while such person is performing those duties; or
 - A deliberate act by a covered person in the reasonable performance of duties as a covered person that results in the infliction of harm on the covered person.
 - An intentional act of violence is identifiable by the time and place of occurrence, produce at the time symptoms of an injury, and occur during a single work shift. The intentional act of violence will be the prevailing factor in causing the injury.
 - An intentional act of violence cannot include repetitive trauma in any form.
- “Nature of the employment” means that, to the occupation, trade, or employment in which the covered person was engaged, there is attached a particular and peculiar hazard of the injury or disability that distinguishes the performance of job duties from other occupations and employments and that creates a hazard of such injury or disability in excess of the hazard of the injury or disability in general.
- “Repetitive trauma” means the cause of an injury that occurs as a result of repetitive use, cumulative traumas, or microtraumas. The repetitive nature of the injury will be demonstrated by diagnostic or clinical tests. The repetitive trauma will be the prevailing factor in causing the injury.
 - Repetitive trauma includes only an injury arising out of the performing of duties and resulting from the nature of the employment in which a covered person was engaged and that was actually contracted while so engaged. The injury appears to have had its origin in a special risk of injury connected with the particular type of employment and to have resulted from the source as reasonable consequence of the risk. Ordinary injuries of life and conditions to which the general public is or could be exposed outside of the particular employment, and hazards of injuries and conditions attending employment in general, will not qualify as repetitive trauma.

RETIREMENT

KPERS Layering Payment and Supplemental Contribution

[SB 421](#) transfers \$1.125 billion from the State General Fund (SGF) directly to the Kansas Public Employees Retirement System (KPERS) Trust Fund. Of that amount, the first \$253.9 million SGF pays off outstanding accounts receivable for KPERS-School employer contributions withheld in FY 2017 and FY 2019 (“layering payments”) while the remaining \$871.1 million SGF is applied to the KPERS-School unfunded actuarial liability.

The bill transfers \$853.9 million in FY 2022 in two installments: \$553.9 million on the effective date of the bill (*i.e.*, upon publication in the *Kansas Register*) and \$300.0 million on June 1, 2022. The remaining \$271.1 million will be transferred in FY 2023 in two installments, both subject to approval, but not modification, from the State Finance Council: \$146.1 million on August 1, 2022, and \$125.0 million on December 1, 2022.

The schedule of payments is summarized below:

SB 421 Payment Schedule by Fiscal Year*	
FY 2022	
KPERS Layering Payment (effective date of the bill)	\$ 253,866,022
KPERS-School (effective date of the bill)	300,000,000
KPERS-School (June 1, 2022)	300,000,000
Subtotal–FY 2022	\$ 853,866,022
FY 2023	
KPERS-School (August 1, 2022)**	\$ 146,133,978
KPERS-School (December 1, 2022)**	125,000,000
Subtotal–FY 2023	\$ 271,133,978
GRAND TOTAL	\$ 1,125,000,000

* While the Conference Committee used rounded estimates in its discussions, the numbers represented here and in the Conference Committee Report reflect exact amounts.

** The bill authorizes the State Finance Council to stop these payments upon approval of a resolution.

The bill also updates provisions in law relating to employer contributions and contribution rates for State and School employers by removing references to the repayment schedule for the delayed contributions, which previously required these contributions to be paid on a level-dollar basis over a 20-year period. [Note: These periods began in FY 2018 and FY 2020.]

TAXATION

Taxation Omnibus; Senate Sub. for HB 2239

[Senate Sub. for HB 2239](#) amends law related to property tax, income tax, and sales tax.

Technical College and Community College Contribution Credit

The bill provides a non-refundable tax credit for donors to Kansas technical colleges and community colleges.

“Technical college,” as defined by the bill, includes the Flint Hills, Manhattan Area, North Central Kansas, and Salina Area technical colleges, in addition to the Washburn University Institute of Technology and the Wichita State University Campus of Applied Sciences and Technology.

Contributions to a Kansas technical college or community college for capital improvements, deferred maintenance, or technology or equipment purchases are eligible for a 60 percent non-refundable credit against income tax, insurance premium tax and privilege fees, or financial net privilege tax.

The credit has an annual limit of \$250,000 for each taxpayer, not to exceed \$500,000 for any one technical college or community college. The total annual value of credits cannot exceed \$5.0 million. Tax credits issued under the program are not refundable or transferable.

Prior to the issuance of any credits under this tax credit program, the bill requires participating technical colleges and community colleges to develop a process for qualifying contributions as allowable deductions from federal adjusted gross income, in consultation with the Secretary of Revenue.

Technical colleges and community colleges must deposit contributions to their capital outlay funds.

The program applies to contributions made after July 1, 2022, and for tax years 2023, 2024, 2025.

Teacher Classroom Supplies Tax Credit

The bill creates an individual income tax credit for public or private school teachers residing in Kansas equal to the taxpayer’s expenditures for school and classroom supplies during the tax year.

The credit is effective beginning in tax year 2022 and will be limited to \$250 per year.

TRANSPORTATION

Driver’s Education and Transportation Network Companies; SB 215

SB 215 authorizes school district boards of education to contract with transportation network companies for the purpose of transporting eight or fewer people to and from school or school-related activities and transfer authority for certain postsecondary driver’s education and driver training schools to the Kansas Department of Revenue (KDOR).

Transportation Network Companies

The bill authorizes a school district board of education to establish requirements in the contract that are in addition to requirements in the Kansas Transportation Network Company (TNC) Services Act (Act). It also authorizes the State Department of Education to issue guidance to school districts on this topic.

The bill requires TNC drivers providing services under these contracts to undergo a criminal history record check like those required of employees or volunteers at a business or organization that provides care to children, people who are elderly, or individuals with disabilities and review a driving history research report for each TNC driver.

The bill requires a TNC providing these services to provide an annual safety report to the State Board of Education for any safety incidents occurring within the previous calendar year and to name the school district as an additional insured party on the TNC's automobile insurance policy.

The bill specifies the Act and the contract between a TNC and a school district board of education would govern the services provided, and rules and regulations of the State Board of Education concerning the transportation of students would not apply.

The bill requires a board of education that contracts with a TNC to provide school transportation services to:

- Provide notice to a student's parent or guardian that the student will be riding with a TNC;
- Provide an annual disclaimer to the parent or guardian of a student who may be transported by a TNC, that the school district uses TNC services, and that the relationship between the school district and the TNC is governed by a contract and not the rules and regulations of the State Board of Education;
- Permit the parent or guardian to not allow such student to ride with a TNC; and
- Maintain insurance coverage or endorsement for students transported by a TNC that covers students as though the students were in the care, custody, and control of the school district even when being transported by a TNC.

Driver's Education Courses and Authority

The bill transfers responsibility for motorcycle education and truck driver training programs operated by postsecondary institutions from the State Board of Regents to KDOR and for driver training schools from the State Board of Education to KDOR.

The bill also authorizes a student aged 19 years or younger attending an approved community college driver training course to participate in the State Safety Fund.

The term "vocational education school" within the bill is changed to "institution" and is defined as a "technical school affiliated with a public university in this state, a technical college, or community college."

The bill requires all courses in truck driver training taught for an interstate commercial class license to comply with the Kansas Uniform Commercial Driver's License Act.

A requirement for becoming a licensed teacher at a driver training school is amended from requiring the applicant to provide a certificate of health from a medical doctor declaring such person “free from contagious disease” to one declaring such person “physically and mentally able to safely operate a motor vehicle.”

The bill states that all rules and regulations, orders, and directives from the State Department of Education regarding driver’s training school licensure will remain in effect until revised, amended, or nullified by the Director of Vehicles, KDOR. The bill authorizes KDOR to establish standards for motorcycle safety courses and truck driver training by public declaration of the Director of Vehicles, as well as by rules and regulations.

The bill establishes the Commercial Driver Education Fund within the State Treasury under the administration of KDOR. All expenditures from the Fund are subject to appropriations. Moneys collected under the Drivers’ Training School License Act will be deposited into this fund rather than into the State Safety Fund.

The bill makes various technical amendments and date changes. The bill makes a conforming amendment to KSA 8-267 to permit moneys in the State Safety Fund to provide funds for driver training courses in community colleges in Kansas.

Authorizing Certain 15-year-olds to Drive to Religious Activities; Renewal of Nondriver’s Identification Cards; SB 446

[SB 446](#) authorizes driving to and from religious activities by 15-year-olds with restricted driver’s licenses and authorizes online renewal of nondriver’s identification cards under certain circumstances.

Authorizing Certain 15-year-olds to Drive to Religious Activities

The bill allows a 15-year-old who holds a restricted class C or M driver’s license to drive, between the hours of 6 a.m. and 9 p.m., directly to or from any religious activity held by a religious organization.

The bill also authorizes a 16-year-old who holds a restricted class C or M driver’s license to drive directly to or from a religious activity, rather than a religious worship service as in current law, under certain circumstances.

“Religious organization” is defined in continuing law in the Motor Vehicle Driver’s License Act to mean any organization, church, body of communicants, or group that gathers for religious purposes at a defined place of worship and has a regular schedule of services meeting at least on a weekly basis and has been determined to be organized and created as a *bona fide* religious organization.

Renewal of Nondriver’s Identification Cards

The bill requires the Secretary of Revenue to permit electronic online renewal of nondriver’s identification cards under certain circumstances.

The bill prohibits consecutive electronic online renewals, and it requires an applicant to have provided documentation of identity, lawful presence in the country, and Kansas residency. The

bill also prohibits online renewal for any person who is a registered offender under the Kansas Offender Registration Act. The determination on whether a renewal application is permitted will be made by the Director of Vehicles or the Director's designee.

The bill authorizes the Division of Vehicles (Division), Department of Revenue, to use its most recent color image and signature image of an applicant for an identification card issued through electronic renewal.

The bill requires the Division to report to the House Committee on Transportation and the Senate Committee on Transportation regarding the implementation and effects of the online renewal process outlined in the bill before February 1, 2023.

The bill also authorizes use of either a digital color image or photograph or a laser- engraved photograph of the holder on a nondriver's identification card.