



2023 K-ACTE
Summary of Legislation

May 30, 2023

Kearney and Associates, Inc.

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K-ACTE PRELIMINARY SUMMARY OF LEGISLATION

Affiliation

[HB 2290](#) authorizes the affiliation of Northwest Kansas Technical College and North Central Kansas Technical College with Fort Hays State University (FHSU).

Affiliated Institutions

The affiliated institutions will be designated as FHSU-Northwest Kansas Technical College and FHSU-North Central Kansas Technical College and operate as technical colleges within FHSU. The powers and duties of the governing boards for these technical colleges are transferred to FHSU, subject to the rules and regulations and supervision of the Kansas Board of Regents (KBOR), and the boards will become industry or regional advisory boards appointed by the President of FHSU.

The bill provides that the affiliated institutions will continue as technical colleges eligible for funding in the same manner as other technical colleges and offer programs approved by FHSU, including credential and degree programs that technical colleges are authorized to award.

Industry and Regional Advisory Boards

The new industry or regional advisory boards are required to:

- Review programs at the affiliated institution with FHSU leadership to ensure alignment with industry and community workforce needs;
- Provide input relating to changes in each advisory board member's industry sector or region that affect academic programs;
- Perform any operational responsibilities or duties specified in the formal affiliation agreement; and
- Perform any other responsibilities as requested by the President of FHSU. **Admissions**

The bill provides that admission requirements for each respective institution will not be altered, and FHSU will not admit degree-seeking, first-time freshmen or transfer students to university programs who do not meet the applicable qualified admission standards.

Formal Affiliation Agreement

The bill requires a formal affiliation agreement between the affiliated institutions and FHSU to address the transfer of faculty, employees, and students and, subject to authorization by KBOR, all affiliated institution personnel would become FHSU personnel, with their employment deemed uninterrupted.

The affiliation is effective after approval of the formal agreement by the Higher Learning Commission of the North Central Association of Colleges and Schools. The bill provides that, should only one technical college choose to participate in the affiliation agreement with FHSU, the provisions of the bill will be effective for the remaining institutions.

Legal Proceedings and Contracts

The bill states that no legal proceeding, including criminal actions, will be eliminated by reason of the affiliation, and any legal proceeding can be allowed to be maintained by the affiliated institutions.

The bill also states the affiliation will not affect any contract, agreement, or assurance in effect on the effective date of the bill (July 1, 2023).

Conforming and Technical Amendments

The bill makes other conforming and technical amendments to law regarding the technical colleges affiliated designation.

Kansas Apprenticeship Act

[HB 2292](#) creates the Kansas Apprenticeship Act (Act), which establishes a tax credit and grant incentive programs for apprenticeships and creates a matching grant program within the Department of Commerce to provide grants to eligible institutions of higher education based on the number of engineering program graduates of the institution.

Apprenticeship Tax Credit (Kansas Apprenticeship Act)

Tax Years 2023, 2024, and 2025

The bill allows an eligible employer to claim the apprenticeship tax credit for tax years commencing after December 31, 2022, and ending before January 1, 2026, if the eligible employer employs an apprentice:

- Pursuant to a registered apprenticeship agreement;
- In accordance with a registered apprenticeship plan for all or a portion of the probationary period, as defined for that apprenticeship in the registered apprenticeship standards, work process schedule otherwise known as appendix A, or as designated by the Secretary of Commerce (Secretary);
- [*Note:* The bill defines “Secretary” to mean the Secretary of Commerce or the Secretary’s designee, including the Director of the Office of Registered Apprenticeship or any successor, designated by the Secretary to administer the Act.]; and
- At the time such probationary period is completed.

The bill requires the tax credit to be claimed by an eligible employer for the taxable year in which the apprentice completed the probationary period or the taxable year succeeding the calendar year in which the apprentice completed the probationary period while employed by the eligible employer, as determined by the Secretary and set forth in the agreement with the Secretary.

The bill allows subsequent tax credits to be claimed for up to three successive calendar years after the date on which the probationary period of the apprentice was met by any eligible

employer who subsequently employs such apprentice in all or a portion of the year. The bill requires the tax credit to be claimed by an eligible employer for the taxable year in which the apprentice was employed or the taxable year succeeding the calendar year in which the apprentice was employed by the eligible employer, as determined by the Secretary and set forth in the agreement with the Secretary.

The Secretary of Revenue, in consultation with the Secretary, is required to establish a scale reflecting the ranges of wages and other expenditures an eligible employer has invested in an apprentice and a corresponding tax credit amount. The amount of the tax credit awarded is to be in accordance with the scale, up to \$2,500 for each apprentice employed.

The tax credit may be awarded for up to 20 apprentices employed in each taxable year per eligible employer and is not to be awarded for employment of the same apprentice more than 4 times.

Tax Years After December 31, 2025

For tax years commencing after December 31, 2025, the bill allows an eligible employer to claim the apprenticeship tax credit, if the eligible employer employs an apprentice:

- Pursuant to a registered apprenticeship agreement; and
- In accordance with a registered apprenticeship plan for a continuous period of time constituting at least 25.0 percent of the apprenticeship time period required by the registered apprenticeship program.

The bill requires the tax credit to be taken in the tax year next succeeding the calendar year in which the employment requirement to claim the credit is met.

The eligible employer may claim the tax credit in successive tax years based on up to a cumulative total of four successive calendar years of employment for an individual apprentice.

The amount of the tax credit is up to \$2,750 for each employed apprentice, not to exceed 20 such credits in any taxable year per eligible employer. The Secretary may authorize a credit for employment of less than a full calendar year pursuant to rules and regulations adopted by the Secretary.

Career and Technical Education (CTE) Program

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

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

- A public workforce program funded under Title I and Title III of the Workforce Innovation and Opportunity Act.

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

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

Limitations

The bill limits the aggregate amount of all tax credits for all eligible employers issued under the Act to \$7.5 million each taxable year.

Tax credits are not refundable or transferable and are to be claimed on a pro-rata basis by the owners of eligible employers that are entities taxed under subchapter S or K of the federal Internal Revenue Code, limited liability companies, or professional corporations authorized to do business in the state.

Agreement with the Secretary of Commerce

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

- Set forth the amount per credit or amount of cumulative credits an employer may earn based on specified conditions or attainment of specified employment or training goals and any other conditions for such credits;
- If applicable, set forth the relevant provisions of the scale reflecting the ranges of wages and other expenditures an eligible employer has invested in an apprentice and a corresponding tax credit amount, as determined by the Secretary of Revenue in consultation with the Secretary; and
- Require the eligible employer to provide such information as required by the Secretary or Secretary of Revenue for purposes of substantiating eligibility for the tax credit, the development and expansion of apprenticeships in the state and the report required under the Act.

If an agreement is approved by the Secretary, the eligible employer is required to submit such information in the manner and form as prescribed by the Secretary and Secretary of Revenue to demonstrate eligibility for the credit each tax year a credit is claimed. The eligible employer is also required to meet the requirements of any rules and regulations of the Secretary or Secretary of Revenue.

Duties of Secretary of Commerce

The Secretary is required to advise the Secretary of Revenue of the potential tax credits available to the eligible employer. The Secretary is also required to certify eligible employers to the Secretary of Revenue before a tax credit may be awarded.

The Secretary is required to consult with the Secretary of Revenue, Kansas postsecondary technical education authority and educational institutions, technical schools, secondary schools, business or industry associations, and other appropriate entities to coordinate implementation, administration, and development of apprenticeship programs in the state, including through the use of apprenticeship tax credits.

The Secretary is required to provide an annual report before January 31 of each year to the House Committee on Commerce, Labor and Economic Development and the Senate Committee on Commerce to account for the effectiveness of the Act. The report is required to include information regarding:

- The number and type of eligible employers, eligible nonprofit employers, and eligible health care employers;
- The number and type of apprenticeships incentivized;
- The amount of tax credits and grants issued and the amounts issued per industry and per eligible employer, eligible nonprofit employer, and eligible health care employer;
- Results of the program, including information on the employment of individuals following the participation in an apprenticeship program, the extent and nature of coordination and efforts with other entities to develop apprenticeship programs, and the effect of such efforts on the tax credits and grants on apprenticeship program development; and
- Other information requested by the respective committees. *Rules and Regulations*

The bill authorizes the Secretary or the Secretary of Revenue to adopt rules and regulations as necessary to establish standards for participation and eligibility and to implement and administer the Act.

Union Affiliation

The bill stipulates that participation of an employee with an apprenticeship program under the Act and registration with the Secretary does not constitute union affiliation, unless the employee expressly elects to affiliate with a union.

Kansas Nonprofit Apprenticeship Grant Program (Kansas Apprenticeship Act)

The bill also creates the Kansas Nonprofit Apprenticeship Grant Program (Program) and authorizes the Secretary to develop and administer the Program to award grants to eligible nonprofit employers and eligible nonprofit health care employers that employ an apprentice pursuant to a registered apprenticeship agreement and in accordance with a registered apprenticeship plan for the purpose of covering administrative costs of registered apprenticeship programs. The Secretary is required to develop application procedures, forms, and grant award terms, conditions, and criteria and consult with appropriate state agencies, institutions, nonprofit organizations and associations, private health care associations, nonprofit Kansas health care providers, and other appropriate entities in developing the Program.

To be eligible for grants under the Program, an eligible nonprofit employer or eligible nonprofit health care employer is required to enter into an agreement with the Secretary to employ an apprentice for the same period of time as the probationary period, as defined for the apprenticeship in the registered apprenticeship program standards, or a continuous period of time constituting at least 25.0 percent of the apprenticeship time period required by the

registered apprenticeship program. The Secretary may authorize employment of an apprentice for less than a full year.

The bill requires grants to be awarded pursuant to an agreement with the eligible nonprofit employer or eligible nonprofit health care employer upon such terms and conditions as the Secretary requires and may include program development or employment or training goals in addition to specified employment requirements with respect to an apprentice.

The bill limits the grant amount to \$2,750 per apprenticeship per taxable year, not to exceed 4 successive years, and limits the number of grants to no more than 20 per eligible nonprofit employer or per eligible nonprofit health care employer per taxable year.

Kansas Nonprofit Apprenticeship Grant Program Fund

The bill creates the Kansas Nonprofit Apprenticeship Grant Program Fund (Fund) to be administered by the Secretary. All moneys credited to the Fund are to be used to provide grants for the administration of apprenticeship programs by eligible nonprofit employers and eligible nonprofit health care employers in Kansas.

On July 1, 2023, and each July 1 thereafter, the bill requires, subject to appropriation acts, \$2.5 million from the State General Fund (SGF) to be transferred to the Fund. Any unencumbered balance in the Fund at the end of a fiscal year would remain credited to the Fund for use in the succeeding fiscal year and may not exceed \$2.5 million. On June 30, 2024, and each June 30 thereafter, the Director of Accounts and Reports is required to transfer the amount, if any, of unencumbered moneys in the fund in excess of \$2.5 million to the SGF.

The bill limits the sum of the amount of all tax credits and grants issued pursuant to the Act to not exceed a total amount of \$10.0 million in each taxable year.

Kansas Educator Registered Apprenticeship Grant Program (Kansas Apprenticeship Act)

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

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

- The grant application procedure and forms;
- Terms and conditions for the award of a grant, which are to include requiring partnerships between applicant schools and eligible training instruction providers, requiring the identification of projected candidates in the manner designated by the

Secretary, and the use of grant funds for the payment of apprentice tuition, fees, and the cost of books and materials, up to a maximum of \$2,750 per year for four years;

- Prioritization of grant applications providing for the apprentice to continue current employment by utilizing flexible learning models; and
- A method to award grants equitably across the state geographically.

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

Kansas Educator Registered Apprenticeship Grant Program Fund

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

Kansas Apprenticeship Act Definitions

The bill defines, with respect to the Kansas Apprenticeship Act, the terms “Act,” “apprentice,” “apprenticeship,” “apprenticeship agreement,” “apprenticeship program,” “applicant school,” “candidate,” “education apprentice,” “eligible employer,” “eligible nonprofit employer,” “eligible healthcare employer,” “eligible related training instruction provider,” “intermediary,” “registered apprenticeship agreement,” “registered education apprenticeship program,” “registered apprenticeship program,” “Secretary,” and “sponsor.”

Engineering Higher Education Matching Grants Program

The bill provides for grants to be made by the Secretary to state educational institutions and members of the Kansas Independent College Association as of July 1, 2023, if the institution has its primary locations in Kansas and has an engineering program accredited by the Accreditation Board for Engineering and Technology.

Grants require a dollar-for-dollar match with funds from non-state sources and are to be at least \$20,000 per graduate from an accredited engineering program, including computer engineering or computer science, from the immediately preceding academic year to the extent the number of engineering graduates exceeds the institution’s threshold amount. Graduate thresholds are:

- Kansas State University – 586 graduates;
- University of Kansas – 419 graduates;
- Wichita State University – 360 graduates; and

- Private, independent colleges and other state educational institutions with accredited engineering programs – 1 or more graduates.

Grant amounts are to be prorated if the total amount of funds is insufficient for each grant to be \$20,000.

The matching grants program expires on July 1, 2033.

Uses of Grant Proceeds

The Secretary is required to consult and coordinate with eligible institutions of higher education, the State Board of Regents, and private industry in planning and developing uses for matching grant funding and is required, on or before January 10, 2024, and annually thereafter, to report to the House Committee on Commerce, Labor and Economic Development and the Senate Committee on Commerce, or any successor committees, on the uses of grant funding and the progress made toward the goals of the bill.

The bill authorizes grant proceeds to be used for:

- Awarding scholarships to undergraduate engineering students;
- Recruiting undergraduate students for engineering programs;
- Expanding the number of potential engineering students through engineering- related activities in secondary schools in Kansas;
- Funding internships for undergraduate engineering students;
- Making necessary facility improvements or equipment purchases to expand engineering program course offerings; and
- Hiring additional faculty or enhancing faculty salaries in the institution's engineering program.

The bill prohibits using grant funds to acquire or construct any facilities.

Engineering Graduate Incentive Fund

The bill creates the Engineering Graduate Incentive Fund (Incentive Fund) within the State Treasury. The Secretary is to administer the Incentive Fund, and expenditures from the Incentive Fund are to provide matching grants.

The bill provides, subject to appropriation acts, for a transfer of \$1.5 million to be made from the SGF to the Incentive Fund in FY 2024 and a transfer of twice the amount of funds expended in grants in the prior fiscal year, not to exceed \$5.0 million, from the SGF to the Incentive Fund in all years thereafter. The balance of the Incentive Fund following such transfers is limited to \$5.0 million, and any transfers to the Incentive Fund are to be reduced accordingly.

Expenditures from the Incentive Fund are to be made in accordance with appropriations acts upon warrants of the Director of Accounts and Reports pursuant to vouchers approved by the Secretary.

Matching Grants Program Definitions

The bill defines, with respect to engineering program matching grants, the terms “eligible institution of higher education,” “engineering program” or “accredited engineering program,” “qualified eligible institution of higher education,” and “Secretary.”

Interstate Teacher Mobility Compact

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

Interstate Teacher Mobility Compact

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

Purpose

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

Definitions

The bill defines various terms used throughout the Compact.

Licensure Under the Compact

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

Licensure Not Under the Compact

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

Teacher Qualifications and Requirements for Licensure Under the Compact

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

Discipline and Adverse Actions

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

Establishment of the Interstate Teacher Mobility Compact Commission

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

Rulemaking

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

Facilitating Information Exchange

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

Oversight, Dispute Resolution, and Enforcement

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

Effective Date, Withdrawal, and Amendment

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

Any member state is allowed to withdraw from the Compact by enacting a statute that repeals the Compact, but this would not take effect until six months after the enactment of the repealing

statute. Member states can amend the Compact, but any amendment will not be effective until it is enacted by all member states.

Construction and Severability

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

Consistent Effect and Conflict with Other State Laws

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

Verified Electronic Credentials

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

Definitions

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

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

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

Paper-based and Verified Electronic License, Registration, or Certification

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

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

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

Centralized Electronic Credential Data Management Systems

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

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

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

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

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

Exception for Certification of Law Enforcement Officers

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

Adult Learner Grant Act, Workforce Retention Tax Credit, CTE Credential and Transition Incentive, Kansas Promise Act

SB 123 creates the Kansas Adult Learner Grant Act (Adult Learner Act) and a workforce retention incentive tax credit (tax credit); establishes the Career and Technical Education Credential and Transition Incentive for Employment Success Act; addresses the residency status of veterans, their spouses, and dependents regarding postsecondary tuition and fees; and amends the Kansas Promise Scholarship Act (Promise Act).

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

Kansas Adult Learner Grant Act

Definitions

The bill defines the following terms for purposes of the Adult Learner Act:

- “Adult learner grant eligible program” is any baccalaureate degree offered by an eligible postsecondary education institution that is identified as an “adult learner grant eligible program” by the State Board of Regents (KBOR) or designated as an “adult learner grant eligible program” by an eligible postsecondary educational institution.
- “Eligible postsecondary educational institution” is one of the following:
 - A state educational institution under the control and supervision of the KBOR;
 - A municipal university;
 - Any not-for-profit institution of postsecondary education with its main campus or principal place of operation in Kansas that offers an eligible grant program, is operated independently and not controlled or administered by any state agency or subdivision of the State, maintains open enrollment, and is accredited by a nationally recognized accrediting agency for higher education in the United States; or
 - A not-for-profit independent institution of higher education that is accredited by an institutional accrediting agency recognized by the U.S. Department of Education, is operated independently and not controlled or administered by the State or any agency or subdivision of the state, maintains open enrollment, offers online education, and offers exclusively competency-based education programs; and
- “Part-time student” as a student who is enrolled for six credit hours or more in a semester, or the equivalent, and is not enrolled as a full-time student.

Administration

Rules and regulations. The bill requires KBOR to adopt rules and regulations implementing the program on or before March 1, 2024. The bill requires the rules and regulations to establish:

- Grant application and renewal forms and deadlines;
- Appeal procedures for denial or revocation of a Kansas Adult Learner Grant (grant);
- The terms, conditions, and requirements for the grant consistent with the provisions of the Adult Learner Act; and
- Procedures for requesting and approving medical, military, and personal absences from an eligible postsecondary educational institution while a grant recipient is receiving such grant.

Grant-eligible programs. The bill requires KBOR to identify adult learner grant-eligible programs (grant-eligible programs) offered by each eligible postsecondary educational institution that are in any of the following fields of study:

- Information technology and security;

- Health care and nursing;
- Science, engineering, aerospace, and advanced manufacturing;
- Education, early childhood education, and development;
- Business, accounting, and data analytics; or
- A field designated by the eligible postsecondary institution pursuant to the Adult Learner Act.

The bill allows an eligible postsecondary educational institution to designate one additional grant-eligible program if the additional program is a baccalaureate degree program that corresponds to a high wage, high demand, or critical need occupation. To designate an additional grant-eligible program, the institution must have and maintain an existing grant-eligible program in the above fields of study and maintain the additional grant-eligible program designation for at least four consecutive years. After maintaining the program for at least four years, the institution is authorized to designate a new grant-eligible program that corresponds with a high wage, high demand, or critical need occupation.

Publicity. The bill requires KBOR to work with community partners to publicize grants, including, but not limited to, publicizing eligible postsecondary educational institutions, approved scholarship-eligible educational programs, application procedures, and application deadlines.

Annual evaluation and report. Beginning January 1, 2025, KBOR is required to annually evaluate the program and prepare and submit a report to the Senate Committee on Education, Senate Committee on Commerce, House Committee on Education, and House Committee on Commerce, Labor and Economic Development.

Grant Specifications

Grant amount. The bill requires grant amounts to be \$3,000 per semester for students who are enrolled full-time. The grant amount will be prorated using a sliding scale for students who are not enrolled full-time. The bill specifies full-time enrollment is 12 credit hours per semester and would qualify for a 100 percent grant, and 6 credit hours would qualify for a 50 percent grant.

Grant expenditure. The bill allows for grants to be expended only for purposes of tuition and required fees, books, and materials.

Duration. The bill allows students to receive a grant for up to 48 months after the date that the grant was first awarded or upon graduation from the program, whichever comes first.

Income limitation. The bill limits grants to eligible students whose family household income is less than or equal to the following amounts:

- \$100,000 for a family of two;
- \$150,000 for a family of three; and
- \$150,000 plus \$4,800 per additional family member beyond three.

Kansas Adult Learner Grant Agreements

The bill requires each eligible student who receives a grant to enter into an agreement with the postsecondary educational institution that requires the student to do the following:

- Enroll as a full- or part-time student at the eligible postsecondary institution;
- Do one of the following within six months of graduation from a grant-eligible program:
 - Reside and commence work in the state of Kansas for a minimum of two consecutive years; or
 - Enroll as a full- or part-time student in any public or private postsecondary educational institution whose primary location is in Kansas and upon graduation, reside and work in the state for a minimum of two years;
- Maintain records and make reports to KBOR as required by KBOR; and
- Repay the amount of the grant received by the student should the student fail to satisfy the requirements of the agreement.

The bill requires all eligible postsecondary educational institutions to provide counseling to each eligible student regarding the requirements and conditions of the agreement. All repayments made by students for failure to satisfy the requirements of an agreement must be for the amount of the grant with interest as determined by the federal PLUS program.

The bill recognizes KBOR as the sole entity responsible for the collection of all repayments of grant funds and authorizes KBOR to utilize designated loan servicers and collection agencies to collect on KBOR's behalf. To aid with the collection of repayments, the bill stipulates that all postsecondary educational institutions and state agencies must provide KBOR with a student's academic, employment, residency, and contact information for the following purposes:

- Determining whether a student has satisfied their agreement; and
- Aiding in the collection of repayments of funds under the bill.

All eligible postsecondary educational institutions are required by the bill to annually provide the last known contact information for each student who had received a grant until the requirements of the agreement are met.

Appropriations Made for Adult Learner Grant Eligible Program

The bill limits the appropriations made for the Adult Learner Grant Eligible program per fiscal year to \$1.0 million.

Student Eligibility

To be eligible for a grant, the bill requires a student to:

- Be a Kansas resident;
- Be 25 years of age or older at the time the student's first course that is funded by a grant begins;
- Complete the free application for federal student aid for the academic year in which the student applies to receive a grant; and

- Enroll as a full- or part-time student at an eligible postsecondary educational institution in an adult learner grant-eligible program.

A student will continue to receive a grant if the student maintains satisfactory academic progress toward completion of the grant-eligible program, maintains a minimum of a 2.0 cumulative grade point average, completes a grant renewal application on such forms in such manner as established by the KBOR, and completes the free application for federal student aid for the academic year for which the student applies to renew the grant.

Kansas Workforce Retention Incentive Tax Credit

The bill establishes a tax credit of \$1,500 for individuals who receive a grant if they demonstrate satisfactorily to the Secretary of Revenue (Secretary) that they successfully completed their grant-eligible program with the awarding of their degree and either:

- Currently reside in Kansas and have resided in Kansas for at least two consecutive years following the completion of their program and are currently employed in Kansas; or
 - Have commenced service as a military service member.
- To claim the tax credit, the bill requires an individual to submit information and documentation to the Secretary in a form and manner required by the Secretary.

The bill requires individuals to claim the tax credit no later than the fifth taxable year after the taxable year in which the individual successfully completed the grant-eligible program with an award of their degree.

Any amount of the tax credit that exceeds the individual's tax liability can be carried forward once to the next succeeding taxable year as a credit against the individual's income tax liability for such year. Any amount of the tax credit remaining after being carried forward once will be forfeited.

The bill requires the Secretary to adopt rules and regulations implementing and administering the tax credit on or before March 1, 2024. The bill requires the rules and regulations to include criteria to determine whether a student who has received a grant has fulfilled the residency and employment requirements to qualify for the tax credit.

Kansas Adult Learner Grant Program Fund

The bill creates the Kansas Adult Learner Grant Program Fund (Fund) to be administered by KBOR. All expenditures from the Fund will be for grants awarded pursuant to the program and in accordance with appropriation acts.

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

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

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

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

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

The bill establishes a sunset of July 1, 2028, for the Adult Learner Act.

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

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

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

Veteran Residency Requirements for Postsecondary Tuition

In law, regarding residency in Kansas for purposes of tuition and fees at a postsecondary educational institution, the bill replaces the requirement that a veteran must have been permanently stationed in Kansas with a requirement that a veteran must have been stationed in Kansas for at least 11 months during service in the armed forces. The person seeking to be deemed a resident for the purpose of tuition are still required to live in Kansas at the time of enrollment.

[*Note:* Current law provides that for a veteran, or the spouse or dependent of a veteran, to be deemed a resident of Kansas for tuition purposes, a veteran must either have been permanently stationed in Kansas during service in the armed forces or have established residency in Kansas prior to service in the armed forces.]

In addition, the bill removes outdated language.

Kansas Promise Scholarship Act

Eligible Fields of Study, Promise-eligible Programs

The bill adds both elementary and secondary education programs to the fields of study designated by an eligible postsecondary educational institution for which scholarships are available under the Kansas Promise Scholarship Act (Promise Act). The continuing fields of study are:

- Information technology and security;
- Mental and physical health care;
- Advanced manufacturing and building trades; or
- Early childhood education.

Designation of Additional Fields of Study, Local Employment Needs

The bill also updates the eligible fields of study that a college could choose to add to the other scholarship-eligible fields of study (e.g., agriculture, education, and training). The bill adds the term “transportation” to the field of study currently listed as “distribution and logistics.”

Scholarship Award Amount Determination

The bill clarifies that, for students enrolled in a Promise Act-eligible program at a private college, the scholarship amount would be:

The **aggregate amount** of tuition, mandatory fees, and the cost of books and materials for the academic year in which the student is enrolled and receiving the scholarship minus the **aggregate amount** of all other aid awarded to the student.

[*Note:* The bill maintains the requirement that the Kansas Promise Scholarship award could not exceed the average cost of tuition, required fees, and the cost of books and required materials for the same program at an eligible public college.]

Eligibility Requirements

The bill amends the eligibility requirements for an individual seeking to continue their receipt of a Kansas Promise Scholarship by requiring the individual maintain a minimum of a 2.0 grade point average in the Promise Act-eligible program.

School Boards, Overnight Accommodations, Review of Building Closures, Broadcasting Contracts

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

Effective Date

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

Overnight Accommodations

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

Reporting and Retaliation

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

Definitions

The bill establishes definitions for the following terms:

- "Biological sex" means the biological indication of male and female in the context of reproductive potential or capacity, such as sex chromosomes, naturally occurring sex hormones, gonads and non-ambiguous internal and external genitalia present at birth, without regard to an individual's psychological, chosen, or subjective experience of gender; and
- "School district sponsored travel" means any travel that is necessary for students to attend, participate, or compete in any event or activity that is sponsored or sanctioned by a school operated by the school district, including, but not limited to, any travel that is organized:
 - By any club or organization recognized by the school;
 - Through any communication facilitated by the school, such as email; or

- Through fundraising activities conducted, in whole or in part, by school district employees or on school district property.

Local Broadcasters; Postseason Activities; Contracts and Agreements

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

Definitions

The bill defines various terms, including:

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

Applicability

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

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

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

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

Resolution to Close a School Building

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

Request for Review

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

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

Administrative Review

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

Reconsideration

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

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

Definitions

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

EMS Instructor Coordinator

HB 2014 amends law related to the Boiler Safety Act to remove statutory qualifications of the Chief Inspector of Boiler Safety and deputy inspectors and removes references in emergency medical services (EMS) law to persons holding the instructor-coordinator designation.

Boiler Safety Act

The bill removes the following statutory qualifications for the Chief Inspector of Boiler Safety, which required a chief inspector to have:

- No less than five years of experience in the construction, installation, repair, operation, or inspection of boilers, steam generators, super-heaters, or pressure vessels;
- An in-service commission; and
- The following endorsements issued by the National Board of Boiler and Pressure Vessel Inspectors (NBBI):
- An “A” endorsement; and
- A “B” endorsement, or the ability to acquire such endorsement within 18 months after appointment as chief inspector.

The bill also removes the following statutory qualifications for deputy inspectors, which required a deputy inspector to have:

- Completed courses and training, and have experience in the construction, installation, repair, operation, or inspection of boilers or pressure vessels, with at least two years of time spent in the aggregate on education, training, and experience; or
- Have at least five years’ experience in the heating, ventilation, air conditioning, or plumbing fields related to the installation or repair of boilers or pressure vessels; and
- Hold an in-service commission issued by the NBBI, or the ability to acquire such commission within 12 months after appointment as deputy inspector.

EMS—Instructor Coordinator

The bill removes the definition of the term “instructor-coordinator” and removes provisions concerning civil damages related to an instructor-coordinator’s course of instruction.

The bill also amends the definition of “healthcare provider” to replace a reference to first aid courses taught by an instructor-coordinator with first aid courses taught by the Board of Emergency Medical Services (BEMS). The bill also clarifies language in the definition to include licensed physician assistants and removes outdated language related to required training and specified examinations.

The bill amends the statutory membership of the BEMS to replace an instructor- coordinator member with a member who is actively involved in teaching initial courses of instruction for certification as an EMS provider.

K-12 Education Budget

****Note:** Sections of the K-12 Education Budget were line-item vetoed by the Governor. There have been objections raised that it is unconstitutional to line-item veto a bill that is not strictly budgetary, but also has policy in it. We will continue to watch any possible legal challenges.

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

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

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

Appropriations for FY 2023, FY 2024, and FY 2025

The bill makes appropriations for the KSDE.

FY 2023

For KSDE, the bill:

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

FY 2024

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

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

- \$14.7 million for operating expenditures;
- \$47.9 million for State Foundation Aid;
- \$577,309 for Supplemental State Aid;
- \$80,000 for the Center for READing;
- \$29.8 million for KPERS non-USDs;
- \$531.9 million for KPERS-USDs;
- \$2.8 million for the ACT and WorkKeys Assessments Program;
- \$528.0 million for Special Education;
- \$1.5 million for Career and Technical Education Transportation;
- \$300,000 for the Juvenile Transitional Crisis Center Pilot program;
- \$67,700 for Education Commission of the States dues;
- \$10,000 for the School Safety Hotline;
- \$5.0 million for School Safety and Security Grants;
- Includes language to allow acquisition of naloxone hydrochloride products as an allowable expenditure in FY 2024;
- \$5.1 million for the School District Juvenile Detention Facilities and Flint Hills Job Corps Center Grants;
- \$2.5 million for School Food Assistance;
- \$1.3 million for the Mentor Teacher Program;
- \$110,000 for Educable Deaf-blind and Severely Handicapped Children's Programs Aid;
- \$360,693 for Governor's Teaching Excellence Scholarships and Awards;
- \$2.4 million for Supplemental State Aid;
- \$1.8 million for Professional Development State Aid;
- \$1.0 million for Computer Science Education Advancement Grants; and
- \$40,000 for the Computer Technical Education Pilot.

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

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

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

- \$375,000 for the Children's Cabinet Accountability Fund;
- \$23.7 million for CIF grants;
- \$9.4 million for the Parent Education Program, also known as Parents as Teachers;
- \$4.2 million for the Pre-K Pilot Program and language to reappropriate the unencumbered ending balance;

- \$1.4 million for Early Childhood Infrastructure and language to reappropriate the unencumbered ending balance; and
- \$1.5 million for the Dolly Parton Imagination Library and language to reappropriate the unencumbered ending balance.

Transfers. The bill provides for the following transfers:

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

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

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

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

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

FY 2025

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

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

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

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

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

Notice of Disposition

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

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

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

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

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

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

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

Nonpublic School Students Participation in KSHSAA Activities

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

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

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

Special Education and Related Services Funding Task Force

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

Task Force Study Topics

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

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

Organization of Task Force

Membership

The Task Force consists of the following eleven members:

- Two members appointed by the Speaker of the House of Representative;
- Two members appointed by the President of the Senate;
- One member appointed by the Minority Leader of the House of Representatives;
- One member appointed by the Minority Leader of the Senate;
- One member appointed by the State Board of Education;

- Two members appointed by KSDE who are professionals in the field of special education and related services;
- One member appointed by KSDE who is professional in early childhood development services and provides services for a tiny-K program; and
- One member who is a parent of a student who receives special education services. The appointment is for one year, and responsibility for the appointment alternates between the Speaker and the President.

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

Task Force Leadership

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

Compensation

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

Meetings

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

Support Services

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

Data and Information Provided

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

Compensating School Board Members

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

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

Low-income Students Scholarship Program

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

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

KSEEA—Amendments

The bill makes several amendments to the Kansas School Equity and Enhancement Act concerning the calculation of State Foundation Aid and specific weightings related to school district building closures.

The bill allows a school district to use enrollment numbers for all regularly enrolled students from kindergarten through grade 12, as well as the school district's number of enrolled preschool-aged at-risk students, as of September 20 of the current school year or previous school year for the purpose of calculating State Foundation Aid for the current fiscal year.

The bill also allows a school district to utilize current school year or previous school year enrollment numbers for the purpose of calculating State Foundation Aid for the current fiscal year. [Note: Under current law, school districts are permitted to utilize enrollment numbers from one of the two prior school years for the calculation of State Foundation Aid. An alternative calculation method is also permitted for school districts that enroll military students and receive federal Impact Aid.]

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

Continuing the 20 Mill Statewide Levy for Schools

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

School District Cost-of Living Weighting

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

School District High Density At-Risk Weighting Sunset Extension

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

School District Capital Improvements

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

Effective Date

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

Virtual State Assessments

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

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

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

- A proctor cannot monitor more than ten students during the administration of the assessment;
 - The student cannot exit the assessment platform until instructed to by the proctor; and
 - The completed assessment must be verified by the assessment administrator.
- The bill requires the State Department of Education to implement the provisions of the bill using the Department's funds for the administration of all statewide assessments.

Fairness in Women's Sports Act

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

Definitions

The bill establishes definitions for six terms, including:

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

Athletic Team Criteria

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

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

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

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

Rules and Regulations

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

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

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

Resolving Violations

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

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

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

Severability

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

A-OK to Work Program

[Senate Sub. for HB 2060](#) makes various technical changes to statutes, including changes to law relating to the Drivers' Training School License Act. The bill also amends law relating to the State Medical Student Loan Program and the Medical Residency Bridging Program (loan programs) and establishes an obstetrics and gynecology (OBGYN) medical loan repayment program. Additionally, the bill authorizes several items that qualified students must be provided reasonable access to under the AO-K to Work Program. Similarly, the bill amends law to include individuals who receive a high school equivalency (HSE) credential, or who are pursuing an

HSE credential, in the calculation of and subsequent distribution of performance- based payments for community colleges and technical colleges.

Drivers' Training School License Act

The bill makes technical changes to the Drivers' Training School License Act to ensure that community colleges, rather than students enrolled in community colleges, receive payments from the State Safety Fund for the number of students who have completed a driver training course during the past school year.

Medical Loan Programs

Under continuing law, the University of Kansas Medical Center (KUMC) administers the two loan programs to incentivize the practice of medicine in certain areas of the state and in certain facilities of the state. The Kansas Medical Student Loan program provides tuition and a stipend to undergraduate students enrolled in or admitted to the University of Kansas School of Medicine (KU School of Medicine) who enter into agreements to practice primary care medicine or psychiatry in areas of need in the state.

University of Kansas School of Medicine Residencies

The bill increases the number of medical student loan agreements available under the loan programs at the KU School of Medicine from 6 to up to 12. The bill also adds a provision specifying that the KU School of Medicine may not prohibit nor create substantial impediments to students in the programs from switching between approved postgraduate residency training programs.

Medical Residency Training Programs in Obstetrics and Gynecology

The bill includes medical residency training programs in OBGYN as part of the postgraduate medical residency programs that a person may enter into in order to qualify for state medical student and medical residency loan assistance.

Exemptions

The bill exempts a person, or a person's spouse, who is unable to satisfy their obligations due to active military service from paying the 15 percent annual interest rate on any moneys received under such loan programs. Similarly, the bill allows a person participating in a health-related fellowship to postpone the obligation to engage in the practice of medicine and surgery for not more than one year. [Note: Under current law, any person who fails to complete an approved residency training program or fails to satisfy the obligation to engage in the full- time practice of medicine and surgery within a service commitment area for the required period of time must repay all money received from the loan programs, plus accumulated interest at an annual rate of 15 percent.]

Restrictions on Practice During Service Requirement

The bill prohibits a person who completes an approved OBGYN residency training program from performing or inducing, or attempting to perform or induce, an abortion during the time such person is satisfying the service requirement under the loan programs. It also prohibits such person from creating or working for a clinic that performs or induces abortions during that time period. A person who fails to satisfy the service requirement due to the performance or inducement, or attempt at such, of an abortion is required to repay all money received pursuant to the loan, plus accumulated interest at an annual rate of 15 percent. [*Note: A person who performs or induces, or attempts to perform or induce, an abortion in the case of a medical emergency or in the case of a pregnancy resulting from rape or incest is not deemed to have failed to complete the service requirement.*]

Funds and Scholarships

The bill also establishes the OBGYN Medical Loan Repayment Fund and the OBGYN Medical Residency Bridging Fund to be used for OBGYN residency training programs.

The bill authorizes the Kansas Board of Regents to award osteopathic medical service scholarships to Kansas residents who are undergraduate students enrolled in or admitted to pre-accredited schools of osteopathic medicine.

AO-K to Work Program

Under current law, the Kansas Board of Regents awards an HSE credential to qualified students who, among other factors, successfully complete an approved AO-K career pathway and receive the industry-recognized credential appropriate to the completed pathway. Students are to be provided reasonable access to all available student resources of the adult education program, the participating technical or community college, and the appropriate community partners.

The bill adds several items to the available student resources that qualified students shall be provided reasonable access to, including books, tools, and personal materials that are required to participate in an AO-K career pathway program and industry examinations.

The bill also provides for financial assistance for books, tools, personal materials, and industry examinations. The financial assistance provided is the aggregate amount of the cost of books, tools, personal materials, and industry examinations for the AO-K career pathway program in which the student is enrolled and receiving assistance, minus the aggregate amount of all other aid awarded to the student. The financial assistance is subject to appropriations, and the amount of financial assistance provided for each student may not exceed \$500.

High School Equivalency Credential

Under continuing law, the Kansas Board of Regents distributes incentive payments to each community college and technical college for individuals who have received a General Educational Development (GED) credential or who are pursuing a GED while enrolled in an eligible career technical education program.

The bill requires the Kansas Board of Regents to also distribute incentive payments to community colleges and technical colleges for individuals who have received an HSE credential or who are pursuing an HSE credential while enrolled in an eligible career technical education program. [*Note:* According to the Kansas Board of Regents, a GED credential is issued after the successful completion of the GED examination, a four-subject high school equivalency test. A HSE credential is issued after successful completion of the Kansas Pathway to Career High School Equivalency program, which allows a student who is at least 21 years old to work toward their high school completion as well as obtain a college certificate or credential.]