

February 6, 2023

In-Person Testimony to House K-12 Education Budget Committee
Honorable Chair, Representative Kristey Williams
Room 352-S, State Capitol Building
Garret.Belknap@house.ks.gov, Committee Assistant
Cc David Long, David.Long@house.ks.gov

Opposed to [House Bill 2218](#) – Expansion of Tax Credit Scholarship Program
Hearing: Monday, February 6, 2023, 3:30 PM Room 546-S

Honorable Chairman Williams and Committee Members,

Thank you for the opportunity to provide in-person testimony regarding HB 2218 – ESA bill. The Kansas PTA is opposed to this bill and the use of public funds to subsidize the private, non-public school systems ([KS PTA Legislative Priority 11](#)).

This is NOT a Kansas bill, but part [ALEC bill](#) from VA and part [1889 Institute bill](#) from OK.

- A link is provided, for committee members who have raised concerns about bills and related research coming from out of state. The noted mission of both organizations is driven by limited government.

The legislature has already adopted a plan to address equity and adequacy – Gannon NOT vouchers.

- The Gannon school finance agreement established a constitutionally sound formula along with constitutionally sound funding targets.
- The word PLAN is emphasized because the SOLUTION has been phased in between 2018 thru 2023, meaning:
 - This school year (2022-2023) is the very FIRST year in over a decade that school districts have been allocated the FULL amount of general education funds, accepted as constitutional.
 - Unfortunately, the full impact of the pivotal bipartisan Gannon agreement has been undermined by 3 highly disruptive factors:
 - 1). a global pandemic,
 - 2). unprecedented inflation and staff shortages, and
 - 3). **inadequate funding of a special education formula found to be structurally sound by 40 years of legislative audits and cost studies.**
 - The good news is that:
 - 1). The federal government provided one-time funding to accelerate learning recovery due to COVID (see [KSDE Report 7](#) on expenditures of COVID funds).

- 2). Education is powerful protection against recession and “a quality, individualized education provides an essential pathway to success, not only for each student but for the prosperity and stability of the state” (p.1, lines 5-7, HB 2218). **In short, education is the pipeline to a healthy Kansas economy. Limit public education below actual costs, as the ALEC and 1889 authors of this bill intended, and the Kansas economic pipeline may slow to a trickle.**
- 3). **The Kansas legislature holds the authority to address this 3rd obstacle and use its power to fully fund the special education finance formula**, while simultaneously preventing a substantive breach in the Gannon agreement.

A shared goal of the underlying rationale for this bill is to ensure equitable access to quality education for all students, regardless of zip code. The solution is Gannon, not vouchers.

We are all impatient for Kansas youth to regain and accelerate in academic growth.

- Adhering to the general and special education formulas, as reflected in state law, is particularly important for ensuring that our educators have the proper resources to meet the needs of those students in districts who serve large populations of students living in poverty and/or English language learners.

This massive Education Savings Account voucher bill, however, does NOT serve these students. **This ESA voucher bill is more likely to lead to discrimination than to equity.**

- This bill allows private, non-profit school systems to skip right over at-risk students who are not ready for kindergarten, to skip over the students with severe learning and behavioral challenges, to skip over the students whose current skills and knowledge are at Level 1 on the Kansas Assessments.
- Further, this bill has been shown to encourage the pop-up of unaccredited, non-public school systems, permitted to skip over at-risk students with substantive learning needs, similar to the Oklahoma voucher program that has jeopardized their RURAL neighborhood public school communities.
- Essentially every Kansas school-aged youth is eligible for this program, regardless of the performance of students neighborhood public schools, to subsidize private, non-public school systems with state funds.
- Equity demands a requirement of the private, non-public education system to accept and serve all Kansas youth, a requirement that is absent in the bill (see Table in Endnotes).
- The evidence for this possibility can be found on Kansas private school admission forms and testimony heard in this committee ([Jan 2021, 56:00 min mark](#); [Jan 25, 2023, 1:53 min mark](#)). Students who come to school with the skills and knowledge at Level 1 on the Kansas Assessments are NOT likely to be CHOSEN for private school admissions.
- Nor should vulnerable Kansas students be subject to a potential learning loss. “Large-scale independent studies in [D.C.](#), [Indiana](#), [Louisiana](#), and [Ohio](#) show that for kids who left public schools, harmful voucher impacts actually meet or exceed what the pandemic did to test scores. That’s also a similar impact in Louisiana to what Hurricane Katrina did to student achievement back in 2005” ([read more here](#)). The non-public, for profit-entities subsidized by voucher programs in these states are UNbound by the rules of oversight and transparency to which the neighborhood schools of the Kansas public school system are held, as noted in Kansas statutes overseeing the use of public dollars (see Endnotes for examples of Kansas statute). States with this bill have experienced massive fraud ([Oklahoma](#)) and major waste ([Arizona](#)).

This school year (2022-2023) can become the new baseline, from which trend lines follow a positive, upward trajectory --- simply by upholding current state law regarding general and special education school finance formulas.

- If the KS legislature is seeking more immediate relief for struggling Kansas students, another option is to fully reimburse your neighborhood and community public schools with the remaining \$160 million for mandated special education services this year, rather than phased in over 5 years.

The Kansas PTA urges you to vote NO on this massive voucher-type bill. This bill is not good for Kansas youth. This bill is not good for Kansans and the vitality of our state. Note, language in this bill recognizes that a robust education system, which provides quality access to all students **is a public good** and a benefit beyond those of parents and students.

“The legislature affirms that a quality, individualized education provides an essential pathway to success, not only for each student but for the prosperity and stability of the state” (p.1, lines 5-7, HB 2218).

Thank you for your time and consideration.

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THE PTA POSITION

Kansas PTA is a nonpartisan association that promotes the welfare of children and youth. The PTA does not endorse any candidate or political party. Rather, we advocate for policies and legislation that affect Kansas youth in alignment with our legislative platform and priorities. [PTA mission and purpose](#) have remained the same since our inception over 100 years ago, focused on facilitating every child’s potential and empowering families and communities to advocate for all children.

The following is a list of bill components that are of particular concern to the Kansas PTA. This list is comprehensive, but not exhaustive given limited time to review:

Page 1

- Whereas. The phrase “educational freedom” carries some unspoken assumptions of importance to clarify:
 - Kansas parents currently have the freedom to choose the educational experience for their children, from among four meaningful options: public, private, charter, or home school, rendering this bill unnecessary.
 - PTA holds that with “educational freedom” and “choice”, comes responsibility for which the bill does not provide – particularly given the absence of state board of education accreditation:
 - When public funds are used, the level of responsibility and oversight should be the highest.
 - When public funds are used, the means to ensure equitable use and access should be the most

explicit.

-- Meaning any non-public school who makes use of vouchers, ESAs, scholarships, must adhere to the same rules and regulations included in the general education school finance formula and open enrollment statutes.

- Line 29. "Account" meaning scholarship to subsidize exclusionary private school systems or unaccredited, non-public home school systems, conflicts with KS PTA legislative priority to keep public dollars in public schools – under parent and public scrutiny and oversight.
- Line 33. "Board" established in section 3, conflicts KS PTA legislative priority to uphold Article VI of the [Kansas constitution](#) which gives authority for this type of oversight to the State Board of Education.

"§ 2: State board of education and state board of regents. (a) The legislature shall provide for a state board of education which shall have general supervision of public schools, educational institutions and **ALL** the educational interests of the state, except educational functions delegated by law to the state board of regents. The state board of education shall perform such other duties as may be provided by law."

Page 2

- Line 11. "Qualified school" ANY "school" that gets approved by this new "Board" with no expectation for accreditation or qualification.
- Starting on Line 15. "Qualified students" renders ANY Kansas student (preK-12, with or without disabilities) eligible to use public funds pay for private school tuition, including the current 26,400 students, and along with an unknown number of home schools, without oversight nor an obligation to serve the actual at-risk students for whom these voucher-type programs were claimed to be established. Publicly funded voucher-type programs are the wrong solution for at-risk students and a blatant disregard for equity when designed to skip right over Kansas students with the greatest needs – and in conflict with the KS PTA mission.
- Starting on Line 24. Continues to refer to powers of Board that appears to be in violation of the State Constitution, Article VI.

Page 3-4

- Starting on Line 1. Continues to refer to powers of Board that appears to be in violation of the State Constitution, Article VI.

Page 5

- Line 22 on "If the parent of a qualified student who is schooled at home makes application to enroll in this program, such application does not constitute registration." Does this mean the state is waiving the parent requirement to register as a home school? This bill could eliminate all State Department of Education oversight of any school declared to be a home school, the students it serves, their educational experience and outcomes, nor the use of any of their public funds? Does this bill limit a self-declared home school from serving up to 49 students, just under any expectation of reporting Kansas Assessment scores?

Page 7-8

- Starting on Line 39. The authorized use of public funds for private, non-public school use are rights that are NOT afforded to parents of public neighborhood schools. "Sec. 7.(a) A parent shall only expend moneys in a qualified student's account for the following expenses of the qualified student: fees charged by schools; tutoring services provided by a tutor; uniforms fees; tuition or fees charged by an online learning program; fees for any nationally standardized norm-referenced achievement test, advanced placement examination or examination related to admission, fees or costs required to apply for or acquire occupational licenses, certificates, apprenticeships or other

professional qualification, **fees for transportation services** outside of 2.5 miles and for non-resident students, fees for computer hardware and technological devices primarily used for educational purposes, including personal computers, laptops, tablet devices, microscopes, telescopes and printers.

Page 10

- Starting on Line 6. “The board may contract with private financial management firms to manage scholarship accounts.” Nowhere in this bill are for-profit private entities prohibited from managing accounts, nor are minimal auditing requirements noted. This feature of the bill is a common source of fraud and abuse when states open their budget (see testimony above).
- Starting on Line 38. Does this mean a school can pop-up just by submitting name, contact information and a statement of intent? “(b) A school seeking approval as a qualified school that will accept and serve qualified students shall apply to the board on a form and in a manner determined by the board. Such application shall include the name of the school, the name and title of the primary contact of such school and the school's address, phone number and email address. The primary contact of such school shall attest in writing to the school's intent.”

Page 11

- Starting on Line 4. “Sec. 11. (a) A qualified school shall provide qualified students enrolled full-time in such school instruction in reading, grammar, mathematics, social studies and science.” This appears to be in conflict with the Rose Capacities, as stated in the Article VI of the Kansas Constitution and state school finance statute, and in conflict the Kansas PTA legislative priorities.
 - Does this mean a parent can pull their children out of public school, open a home-school and receive about \$5,000 (SY base aid) per child in public funds. Then re-enroll those same children back in public school part-time for music, band, art, PE, computer science, counseling services, AP courses, foreign language, as well as, join the football or basketball team?
- Starting on Lines 11, 14. The language is unclear about the impact of the bill on students with disabilities? “(b)This section does not apply to the following: (2) a qualified student with a disability, including, but not limited to...”

Page 11-12

- Starting on Line 28. This bill is silent on whether every voucher student is required to take the State Assessments or NAEP and what percent are expected to participate. No language in this bill would prohibit a qualified school from exempting low performing students from participating in the assessments. “Sec. 12. (a) A qualified school with 50 or more qualified students enrolled shall annually make available to parents of a qualified student enrolled or seeking to be enrolled at such school the aggregate test scores of either all students enrolled or all qualified students enrolled in the qualified school the following examinations and assessments by school building and grade level”

Endnotes

The public school system is held to a comprehensive set of requirements to ensure equity. No such requirements nor transparent accountability are placed on private, non-public school schools using public funds under this bill.

Requirements of public and private schools in Kansas (read more here from KASB)		
	PUBLIC	PRIVATE
Students Served and Curriculum Offered	to enroll and provide courses and services to all children from K-12	may select, recruit or reject students and are not required to offer specific grade levels or programs, or curricula
Suspend, Expel, Discipline	may only suspend or expel students for specific reasons, for a maximum of one year, and must give students due process provided in state law	may suspend, expel, or counsel out students for any disciplinary or academic reasons, for any period of time, without due process
Special Education	must provide a free, appropriate public education, regardless of cost, to children with disabilities and gifted children in public and private schools	not required to identify the need for or provide special education services or accommodations for students with disabilities or gifted students
Transportation	to provide free transportation to students who live more than 2.5 miles from schools	no transportation requirement
Students Served and Curriculum Offered	to enroll and provide courses and services to all children from K-12	may select, recruit or reject students and are not required to offer specific grade levels or programs, or curricula
Suspend, Expel, Discipline	may only suspend or expel students for specific reasons, for a maximum of one year, and must give students due process provided in state law	may suspend, expel, or counsel out students for any disciplinary or academic reasons, for any period of time, without due process
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Example of rules noted in the [articles of Kansas Statute](#) guiding education.

The very rules and regulations regarding equity, adequacy, curriculum requirements, accessibility, fiscal transparency explicitly adopted by the Kansas legislature, in the name of oversight of public funds, are NOT included in this bill. It is difficult to reconcile the absence of language in this bill regarding the use of public funds by private, non-public school systems and the expectations of this committee for the use of public dollars in the public education system.

72-3218. Accredited schools; mandatory subjects and areas of instruction; legislative goal of providing certain educational capacities. (a) In addition to subjects or areas of instruction required by K.S.A. 72-3214, 72-3217, 72-3232, 72-3235 and 72-3236, and amendments thereto, every accredited school in the state of Kansas shall teach the subjects and areas of instruction adopted by the state board of education. (b) Every accredited high school in the state of Kansas also shall teach the subjects and areas of instruction necessary to meet the graduation requirements adopted by the state board of education. (c) Subjects and areas of instruction shall be designed by the state board of education to achieve the goal established by the legislature of providing each and every child with at least the following capacities: (1) Sufficient oral and written communication skills to enable students to function in a complex and rapidly changing civilization; (2) sufficient knowledge of economic, social, and political systems to enable the student to make informed choices; (3) sufficient understanding of governmental processes to enable the student to understand the issues that affect his or her community, state, and nation; (4) sufficient self-knowledge and knowledge of his or her mental and physical wellness; (5) sufficient grounding in the arts to enable each student to appreciate his or her cultural and historical heritage; (6) sufficient training or preparation for advanced training in either academic or vocational fields so as to enable each child to choose and pursue life work intelligently; and (7) sufficient levels of academic or vocational skills to enable public school students to compete favorably with their counterparts in surrounding states, in academics or in the job market. (d) Nothing in this section shall be construed as relieving the state or school districts from other duties and requirements imposed by state or federal law including, but not limited to, at-risk programs for pupils needing intervention, programs concerning special education and related services and bilingual education.

KESA Accreditation (which is different from 72-5170. Same; school district accreditation system, accountability plan; curriculum standards; statewide assessments; school site councils. (a) (1) In order to accomplish the mission for Kansas education, the state board shall design and adopt a school district accreditation system based upon improvement in performance that equals or exceeds the educational goal set forth in K.S.A. 72-3218(c), and amendments thereto, and is measurable. The state board shall hold all school districts accountable through the Kansas education systems accreditation rules and regulations, or any successor accreditation system and accountability plan adopted by the state board. The state board also shall ensure that all school districts and the public schools operated by such districts have programs and initiatives in place for providing those educational capacities set forth in K.S.A. 72-3218(c), and amendments thereto. On or before January 15 of each year, the state board shall prepare and submit a report on the school district accreditation system to the governor and the legislature. (2) The accountability measures established pursuant to paragraph (1) shall be applied both at the district level and at the school level. Such accountability measures shall be reported by the state board for each school district and each school. All reports prepared pursuant to this section shall be published in accordance with K.S.A. 2022 Supp. 72-1181, and amendments thereto. (3) If a school district is not fully accredited and a corrective action plan is required by the state board, such corrective action plan, and any subsequent reports prepared by the state board regarding the progress of such school district in implementing and executing such corrective action plan, shall be published on the state department of education's internet website and such school district's internet website in accordance with K.S.A. 2022 Supp. 72-1181, and amendments thereto. (4) If a school district is not accredited, the superintendent, or the superintendent's designee, shall appear before the committee on education of the house of representatives and the committee on education of the senate during the regular legislative session that occurs during the same school year in which such school district is not accredited. Such school district shall provide a report to such committees on the challenges and obstacles that are preventing such school district from becoming accredited. (b) The state board shall establish curriculum standards that reflect high academic standards for the core academic areas of mathematics, science, reading, writing and social studies. The curriculum standards shall be reviewed at least every seven years. Nothing in this subsection shall be construed in any manner so as to impinge upon any school district's authority to determine its own curriculum. (c) The state board shall provide for statewide assessments in the core academic areas of mathematics, science, reading, writing and social

studies. The board shall ensure compatibility between the statewide assessments and the curriculum standards established pursuant to subsection (b). Such assessments shall be administered at three grade levels, as determined by the state board. The state board shall determine performance levels on the statewide assessments, the achievement of which represents high academic standards in the academic area at the grade level to which the assessment applies. The state board should specify high academic standards both for individual performance and school performance on the assessments. (d) Each school year, on such date as specified by the state board, each school district shall submit the Kansas education system accreditation report to the state board in such form and manner as prescribed by the state board. (e) Whenever the state board determines that a school district has failed either to meet the accreditation requirements established by rules and regulations or standards adopted by the state board or provide curriculum based on state standards and courses required by state law, the state board shall so notify the school district. Such notice shall specify the accreditation requirements that the school district has failed to meet and the curriculum that it has failed to provide. Upon receipt of such notice, the board of education of such school district is encouraged to reallocate the resources of the school district to remedy all deficiencies identified by the state board. (f) Each school in every school district shall establish a school site council composed of the principal and representatives of teachers and other school personnel, parents of students attending the school, the business community and other community groups. School site councils shall be responsible for providing advice and counsel in evaluating state, school district, and school site performance goals and objectives and in determining the methods that should be employed at the school site to meet these goals and objectives. Site councils may make recommendations and proposals to the school board regarding budgetary items and school district matters, including, but not limited to, identifying and implementing the best practices for developing efficient and effective administrative and management functions. Site councils also may help school boards analyze the unique environment of schools, enhance the efficiency and maximize limited resources, including outsourcing arrangements and cooperative opportunities as a means to address limited budgets.

72-3217. Required courses of instruction; graduation requirements. All accredited schools, public, private or parochial, shall provide and give a complete course of instruction to all pupils, in civil government, and United States history, and in patriotism and the duties of a citizen, suitable to the elementary grades; in addition thereto, all accredited high schools, public, private or parochial, shall give a course of instruction concerning the government and institutions of the United States, and particularly of the constitution of the United States; and no student who has not taken and satisfactorily passed such course shall be certified as having completed the course requirements necessary for graduation from high school.

72-3219. Academic achievement testing program; report. In each school year, the board of education of every school district shall cause to have prepared a report concerning the academic achievement testing program conducted during the school term to assess the educational performance of pupils enrolled in the school district. The report shall be presented at a regular meeting of the board of education in a form and manner determined and specified by it.

72-3123 (Open Enrollment). Nonresident pupils; attendance in school. (a) The board of education of any school district is hereby authorized to permit pupils who are not residents of the school district to enroll in and attend the schools of the district. The board of education may permit such pupils to attend school without charge or, subject to the provisions of subsection (b), may charge such pupils for attendance at school to offset, totally or in part, the costs of providing for such attendance. Amounts received under this subsection by the board of education of a school district for enrollment and attendance of pupils at school in regular educational programs shall be deposited in the general fund of the school district. (b) Pupils who are not residents of a school district and are attending the schools of the school district in accordance with the provisions of an agreement entered into under authority of K.S.A. 72-13,101, and amendments thereto, shall not be charged for attendance at school. The costs of providing for the attendance of such pupils at school shall be paid by the school district of residence of the pupils in accordance with the provisions of the agreement.

72-3124. Same; provision of transportation authorized; applicability; conditions. (a) As used in this section: (b) The board of education of any school district may allow any pupil who is not a resident of the district to enroll in and attend school in such district. The board of education of such district may furnish or provide transportation to any non-resident pupil who is enrolled in and attending school in the district pursuant to this section. If the district agrees to furnish or provide transportation to a non-resident pupil, such transportation shall be furnished or provided until the end of the school year. Prior to providing or furnishing transportation to a non-resident pupil, the district shall notify the board of education of the district in which the pupil resides that transportation will be furnished or provided.

72-3214. Required subjects in elementary schools. Every accredited elementary school shall teach reading, writing, arithmetic, geography, spelling, English grammar and composition, history of the United States and of the state of Kansas, civil government and the duties of citizenship, health and hygiene, together with such other subjects as the state board may determine. The state board shall be responsible for the selection of subject matter within the several fields of instruction and for its organization into courses of study and instruction for the guidance of teachers, principals and superintendents.

KSA 72-3231 Character Development Programs. (a) Upon request of a school district, the state board shall assist in the development of a grade appropriate curriculum for character development programs which may be offered to students in the school district. Nothing in this subsection shall be construed as requiring the state board to develop a new curriculum or a new character development program. (b) As used in this section: (1) "Character development program" means a program which is secular in nature and which stresses character qualities (2) "Character qualities" means positive character qualities which include, but is not limited to, honesty, responsibility, attentiveness, patience, kindness, respect, self-control, tolerance, cooperation, initiative, patriotism and citizenship. (3) "State board" means the state board of education.

KSA 72-3233. Celebrate freedom week. (a) In order to educate students about the sacrifices made for freedom in the founding of this country and the values on which this country was founded, the week of September containing the 17th day of such month in each year thereafter is hereby designated as "celebrate freedom week" in each public school offering any of the grades kindergarten through eight. (b) The state board of education, in cooperation with such other state agencies or private entities who voluntarily participate, shall promote "celebrate freedom week" through a coordinated program. (c) For purposes of this section, Sunday is deemed to be the first day of the week.

KSA 72-3234. Same; state board of education; rules and regulations. On or before December 31, 2013, the state board of education shall adopt rules and regulations requiring appropriate instruction be provided as part of the curriculum for grades kindergarten through eight on history and government concerning the original intent, meaning and importance of the declaration of independence and the United States constitution, including the bill of rights of the United States constitution, in their historical contexts. The religious references in the writings of the founding fathers shall not be censored when presented as part of such instruction. Such rules and regulations shall provide that the study of the declaration of independence include the study of the relationship of the ideas expressed in that document to subsequent American history, including the relationship of such ideas to the rich diversity of our people as a nation of immigrants, the American revolution, the formulation of the United States constitution and the abolitionist movement, which led to the emancipation proclamation and the women's suffrage movement. Such instruction shall be taught during "celebrate freedom week," established under K.S.A. [72-3233](#), and amendments thereto, or during such other full school week as determined by the board of education of the school district.

72-3235. Kansas history and government, required course; duties of state board. (a) The state board of education shall provide for a course of instruction in Kansas history and government, which shall be required for all students graduating from an accredited high school in this state. (b) The state board of education shall prescribe the school year, not later than the 1990-91 school year, in which the requirement of subsection (a) shall become applicable and may provide for such waivers from the requirement as the board deems appropriate.

72-3236. Personal financial literacy programs; development and implementation. (a) In order to equip students with the knowledge and skills needed to become self-supporting and to enable students to make critical decisions regarding personal finances, the state board of education shall authorize and assist in the implementation of programs on teaching personal financial literacy. (b) The state board of education shall develop a curriculum, materials and guidelines that local boards of education and governing authorities of accredited nonpublic schools may use in implementing the program of instruction on personal financial literacy. The state board of education shall adopt a glossary of personal financial literacy terms which shall be used by school districts when implementing the program on personal financial literacy. (c) The state board of education shall develop state curriculum standards for personal financial literacy, for all grade levels, within the existing mathematics curriculum or another appropriate subject-matter curriculum. (d) The state board of education shall encourage school districts when selecting textbooks for mathematics, economics, family and consumer science, accounting or other appropriate courses, to select those textbooks which contain substantive provisions on personal finance, including personal budgeting, credit, debt management and other topics concerning personal financial literacy. (e) The state board of education shall include questions relating to personal financial literacy in the statewide assessments for

mathematics or social studies required under K.S.A. 72-5170, and amendments thereto. When the statewide assessments for mathematics or social studies are reviewed or rewritten, the state board of education shall examine the questions relating to personal financial literacy and rewrite such questions in order to determine if programs on personal financial literacy are equipping students with the knowledge and skills needed to become self-supporting and enabling students to make critical decisions regarding personal finances.

72-3237. Disability history and awareness; objectives, guidelines and goals. (a) The state board of education shall designate a period of time each school year as a time for disability history and awareness. (b) The state board of education shall develop objectives and guidelines for disability history and awareness, for all grade levels, within the existing curriculum for history, social studies or other appropriate subject-matter curriculum. The components of disability history and awareness may include, but not be limited to, the events and time lines relating to the development and evolution of services provided to individuals with disabilities and information relating to the contributions of specific individuals with disabilities, including the contributions of acknowledged national leaders. (c) The goals of disability history and awareness instruction include: (1) Encouraging the better treatment of individuals with disabilities, especially for school-age children. (2) Increasing attention to the prevention of bullying or harassment of students with disabilities. (3) Encouraging the development of self-esteem in individuals with disabilities. (4) Encouraging individuals with disabilities to obtain a postsecondary education which will empower such individuals to enter the workforce and contribute to their communities. (5) Reaffirming the local, state and federal commitment to providing an equal opportunity for, and the full inclusion in society of, all individuals with disabilities. (d) Each school district shall include disability history and awareness within the district's curriculum as deemed appropriate by the district.

72-3239. Extraordinary school programs; authority to establish, operate and maintain; fees, collection, limitations, disposition; fund. (a) The board of education of any school district may: (1) Establish, operate and maintain an extraordinary school program for pupils who meet the district's criteria for attendance of such programs; (2) enter into cooperative or interlocal agreements with one or more other boards of education for the establishment, operation and maintenance of an extraordinary school program for pupils; and (3) prescribe and collect fees for providing an extraordinary school program for pupils or provide such program without charge. (b) Fees for providing an extraordinary school program for pupils shall be prescribed and collected only to recover the cost incurred as a result of and directly attributable to the establishment, operation and maintenance of the program. (c) No school district may collect fees for providing an extraordinary school program for pupils who are required to attend such a program in accordance with the provisions of law, rules and regulations of the state board of education, policy of the board of education, or an individualized education plan developed for an exceptional child or who are eligible for free or reduced price meals under the national school lunch act. (d) There is hereby established in every district which establishes, operates and maintains an extraordinary school program a fund which shall be called the extraordinary school program fund, which fund shall consist of all moneys deposited therein or transferred thereto according to law. All moneys received by a district from fees collected under this section or from any other source for extraordinary school programs shall be credited to the extraordinary school program fund. The expenses of a district directly attributable to extraordinary school programs shall be paid from the extraordinary school program fund. (e) As used in this section, the term "extraordinary school program" means a program which is established by the board of education of a school district, operated before or after regular school hours during the regular school term, and maintained for any or all of the following purposes: (1) Providing pupils with additional time to achieve learner exit or improvement plan outcomes; (2) giving pupils remedial instruction or independent study assistance; (3) affording pupils an opportunity to strengthen or attain mastery of basic or higher order thinking skills; and (4) conducting special projects and activities designed to enrich and enhance the educational experience of pupils.

72-3251. American sign language; definitions. As used in this act: (a) "Accredited school" means any elementary or secondary school maintained and operated by a school district and any accredited nonpublic school offering any of grades kindergarten through 12. (b) "State educational institution" has the meaning ascribed thereto in K.S.A. [76-711](#), and amendments thereto. **72-3251. American sign language; definitions.** As used in this act: (a) "Accredited school" means any elementary or secondary school maintained and operated by a school district and any accredited nonpublic school offering any of grades kindergarten through 12. (b) "State educational institution" has the meaning ascribed thereto in K.S.A. [76-711](#), and amendments thereto. **72-3253. Same; instruction in accredited schools authorized.** The state board of education may provide for the teaching of American sign

language in accredited schools and all pupils thereof, whether hearing, deaf or hard of hearing, may be given instruction in American sign language.

72-3254. Same; elective courses at state educational institutions; credit toward satisfaction of foreign language requirement. Any state educational institution may offer an elective course in American Sign Language. Students enrolled at any of the state educational institutions which offer a course in American Sign Language may enroll in such course and with the concurrence of the state educational institution may count credit received for the course toward satisfaction of a foreign language requirement of the institution.

72-3255. Promoting advancement in computing knowledge act; citation of act. The provisions of K.S.A. 2022 Supp. 72-3255 through [72-3258](#), and amendments thereto, shall be known and may be cited as the promoting advancement in computing knowledge act.

72-3257. Same; computer science courses required; progress reports by state board of education; expiration of section. (a) Beginning in the 2023-2024 school year, each secondary school operated by a school district shall offer at least one computer science course or a school district shall submit a plan to the state board of education describing how such district intends to offer such course and the school year such course will first be offered. (b) A computer science course offered pursuant to this section shall: (1) Be high quality; (2) meet or exceed the Kansas model standards for computer science established by the state board of education; and (3) be made available in a traditional classroom setting, blended learning environment, online-based or other technology-based format that is tailored to meet the needs of each secondary school and each participating student. (c) (1) On or before January 15, 2023, and each January 15 thereafter, the state board shall prepare and submit a report to the governor and the legislature on the progress made pursuant to this act. Such report shall include for the immediately preceding school year: (A) The number of secondary schools that offered at least one computer science course; (B) the number of high-quality professional learning providers that received grants pursuant to K.S.A. 2022 Supp. [72-3258](#), and amendments thereto; (C) the number of teachers prepared by high-quality professional learning providers; (D) the number of teachers teaching computer science courses as compared to the number of teachers prepared by high-quality professional learning providers; and (E) the number of students reached, including the number and percentage of such students disaggregated by gender, race, ethnicity and socioeconomic status, by high-quality professional learning providers.

72-3261. Legislative declaration affirming focus on academic achievement and the promotion of excellence in education. (a) The legislature hereby affirms that excellence in education provides an essential gateway to success not only for students but for the entire state. Achieving excellence in education opens doors of opportunity for long-term personal, professional and economic growth and improvement for all students. As academic achievement is elevated, inspired and attained, more students will gain the soft skills that are necessary to succeed in the workforce, including improved time management, personal accountability and communication skills. Maintaining high academic achievement standards for all students provides the basis for the fundamental belief that all people, despite their socioeconomic, racial or cultural status, are uniquely capable and worthy of meeting and exceeding the highest caliber of expectations. In affirming this focus on excellence, the legislature hereby desires consistent communication with the state board of education and the state department of education to annually review academic achievement, as quantitatively measured by performance on state assessments and the interventions, goals and strategies that are being utilized to move all students to academic proficiency.

72-3262. Every child can read act; attainment of proficiency in literacy; requirements of school districts; annual reports. (a) This section shall be known and may be cited as the every child can read act. (b) The legislature hereby affirms that third grade marks a pivotal grade level in which students must attain proficiency in reading or risk continued learning losses throughout their academic career. To ensure that all students move toward grade-level proficiency in literacy, especially by the third grade level, the board of education of each school district shall provide opportunities for students to participate in targeted educational interventions to promote proficiency in literacy. Reading literacy shall be attained through the science of reading and evidence-based reading instruction and shall include such competencies as may be necessary to attain reading proficiency. The necessary competencies, best practices and screening tools used by school districts shall follow the framework of the dyslexia handbook developed by the state department of education. To ensure that such competencies are achieved, the board of education of each school district shall include as part of instruction in literacy: (1) Phonics, phonological and phonemic awareness; (2) vocabulary development; (3) silent and oral reading fluency; and (4) reading comprehension. (c) To promote the goals of the every child can read act, the board of education of each school district shall: (1) Measure student achievement by participation in the state assessment program and through

other universal screening and assessment tools that are approved by a board of education of a school district or by the state department of education; (2) provide targeted and tiered interventions that are designed to match a student's individual deficiencies through additional contact hours with such student, including, but not limited to, one-on-one instruction, small group instruction, tutoring and summer school programs for all students and especially for those students who are at and below the third grade level who are identified as having a literacy deficit; and (3) ensure that the teacher of each third grade student communicates with the parent or guardian of each such student to provide information on the student's literacy proficiency or deficiencies and any recommended interventions for such student to achieve proficiency. Such communication shall occur at least once during the fall semester and once during the spring semester. When a teacher provides the communications required pursuant to this paragraph, each such communication shall provide the parent or guardian with: (A) A summary of the every child can read act and the literacy goals of the act; (B) any assessment data relating to literacy that pertains to the student; (C) any recommended interventions for the student; and (D) how the school district tracks the outcomes of any such interventions. (d) (1) On or before June 30 of each school year, each school district shall report to the state department of education on the school district's implementation of the every child can read act, the interventions that the school district is using to attain the goals of such act and the resulting outcomes of such interventions. Such report shall include: (A) The number of third grade students in such school district; (B) the screening and assessment data from at least the preceding two school years that the school district is using as a baseline to evaluate student progress in literacy; and (C) the percentage of students that are proficient, moving toward proficiency or deficient, with percentages provided for all students and student subgroups. (2) The state department of education shall compile such reports and shall submit a summary report to the governor and the legislature on or before January 15 of each year.

72-6147. Bullying, school district policies. (a) As used in this section: (1) "Bullying" means: (A) Any intentional gesture or any intentional written, verbal, electronic or physical act or threat either by any student, staff member or parent towards a student or by any student, staff member or parent towards a staff member that is sufficiently severe, persistent or pervasive that such gesture, act or threat creates an intimidating, threatening or abusive educational environment that a reasonable person, under the circumstances, knows or should know will have the effect of: (i) Harming a student or staff member, whether physically or mentally; (ii) damaging a student's or staff member's property; (iii) placing a student or staff member in reasonable fear of harm to the student or staff member; or (iv) placing a student or staff member in reasonable fear of damage to the student's or staff member's property; (B) cyberbullying; or (C) any other form of intimidation or harassment prohibited by the board of education of the school district in policies concerning bullying adopted pursuant to this section or subsection (e) of K.S.A. [72-1138](#), and amendments thereto. (2) "Cyberbullying" means bullying by use of any electronic communication device through means including, but not limited to, e-mail, instant messaging, text messages, blogs, mobile phones, pagers, online games and websites. (3) "Parent" includes a guardian, custodian or other person with authority to act on behalf of the child. (4) "School district" or "district" means any unified school district organized and operating under the laws of this state. (5) "School vehicle" means any school bus, school van, other school vehicle and private vehicle used to transport students or staff members to and from school or any school-sponsored activity or event. (6) "Staff member" means any person employed by a school district. (b) The board of education of each school district shall adopt a policy to prohibit bullying either by any student, staff member or parent towards a student or by a student, staff member or parent towards a staff member on or while utilizing school property, in a school vehicle or at a school-sponsored activity or event. (c) The board of education of each school district shall adopt and implement a plan to address bullying either by any student, staff member or parent towards a student or by a student, staff member or parent towards a staff member on school property, in a school vehicle or at a school-sponsored activity or event. Such plan shall include provisions for the training and education for staff members and students. (d) The board of education of each school district may adopt additional policies relating to bullying pursuant to subsection (e) of K.S.A. [72-1138](#), and amendments thereto. (e) Nothing in this section shall be construed to limit or supersede or in any manner affect or diminish the requirements of compliance by a staff member with the provisions of K.S.A. [38-2223](#) or [38-2226](#), and amendments thereto.