

As Amended by House Committee

Session of 2023

HOUSE BILL No. 2218

By Committee on K-12 Education Budget

1-30

Proposed Amendment for HB 2218

House K-12 Education Budget

March 6, 2023

Prepared by Office of Revisor of Statutes

-

Technical, Clarifications &

Implementation Start Date

1 AN ACT concerning education; establishing the sunflower education
2 equity act; providing education savings accounts for students;
3 establishing the sunflower education equity scholarship fund;
4 **amending K.S.A. 2022 Supp. 72-3120 and repealing the existing**
5 **section.**

6
7 WHEREAS, The legislature affirms that a quality, individualized
8 education provides an essential pathway to success, not only for each
9 student but for the prosperity and stability of the state; and

10 WHEREAS, Every child in Kansas is unique with diverse learning
11 needs and thus shall be granted educational freedom. Educational freedom
12 provides parental choice that considers the unique learning needs of each
13 student and the learning environment that best aligns with the student's
14 academic, socio-emotional and spiritual needs that direct and encourage
15 life success; and

16 WHEREAS, The sunflower education equity act affirms that equity in
17 education means that all children shall receive what they need
18 educationally regardless of their socioeconomic, racial or cultural status.
19 The act affirms and promotes that all children, without preference or bias,
20 are uniquely capable and worthy of meeting and exceeding the highest
21 caliber of expectations in an environment that best promotes their unique
22 qualities, abilities, needs and goals; and

23 WHEREAS, The sunflower education equity act provides meaningful
24 educational freedom while simultaneously protecting the freedom of
25 parents to direct the education of their children.

26 Now, therefore:

27 *Be it enacted by the Legislature of the State of Kansas:*

28 **New** Section 1. (a) Section 1 et seq., and amendments thereto, shall
29 be known and may be cited as the sunflower education equity act.

30 (b) As used in the sunflower education equity act:

31 (1) "Account" means a sunflower education equity scholarship
32 account.

33 (2) "BASE aid" means the same as defined in K.S.A. 72-5132, and
34 amendments thereto, for the current school year.

35 (3) "Board" means the sunflower education equity board established
36 in section 3, and amendments thereto.

1 (4) "Immediate family member" means a parent, sibling or any other
2 relative of a qualified student who lives in the same residence as the
3 qualified student.

4 (5) "Parent" means a Kansas resident who is the parent, stepparent,
5 legal guardian, custodian or other person with authority to act on behalf of
6 a qualified student.

7 (6) "Postsecondary educational institution" means the same as
8 defined in K.S.A. 74-3201b, and amendments thereto, and includes any
9 private postsecondary educational institution as defined in K.S.A. 74-
10 32,163, and amendments thereto.

11 (7) "Program" means the sunflower education equity scholarship
12 program established pursuant to this act.

13 (8) "Qualified school" means any school located in Kansas that is:

14 (A) A nonpublic elementary or secondary school that has made
15 application and received approval pursuant to this act; or

16 (B) a preschool serving students with disabilities.

17 (9) "Qualified student" means a resident of Kansas who is eligible to
18 enroll in a public elementary or secondary school in this state or in a
19 preschool program for children with disabilities.

20 (10) "School district" means a school district organized under the
21 laws of this state.

22 (11) "Treasurer" means the state treasurer or the state treasurer's
23 designee.

Beginning in school year 2024-2025,

24 **New Sec. 2.** (a) The sunflower education equity program is hereby
25 established to recognize the right of parents to choose the educational
26 environment that best serves their children. The program shall be
27 administered pursuant to this act by the treasurer ~~at the direction~~ of the
28 board.

on the advice

29 (b) The board shall provide general management and oversight of the
30 program, administer the appeals process pursuant to section 9, and
31 amendments thereto, and perform other duties as provided in this act.

10

32 (c) The treasurer shall implement and administer the program at the
33 direction of the board, accept applications, retain program data, establish
34 and administer accounts, administer the sunflower education equity
35 scholarship fund established by section 8, and amendments thereto,
36 establish and administer any technical processes and procedures required
37 by this act, and perform any other duties required by this act.

9

38 (d) If the board or treasurer determine it is necessary, the state
39 department of education shall cooperate and collaborate with the board or
40 treasurer in the implementation or administration of the program.

41 (e) Any qualified student who participates in the program and such
42 student's parent shall be subject to the requirements of this act and any
43 rules and regulations adopted hereunder. A student who does not

1 participate in the program shall not be subject to such requirements.

2 **New Sec. 3.** (a) There is hereby established the sunflower education
3 equity board.

4 (b) (1) The board shall consist of nine voting members and one non-
5 voting member.

6 (2) The voting members of the board include the following:

7 (A) The treasurer, who shall serve as the chairperson of the board;

8 (B) one member appointed by the president of the senate;

9 (C) one member appointed by the speaker of the house of
10 representatives;

11 (D) one member appointed by the minority leader of the senate;

12 (E) one member appointed by the minority leader of the house of
13 representatives;

14 (F) the chairperson of the house of representatives education
15 committee or the K-12 education budget committee as determined by the
16 speaker of the house of representatives;

17 (G) the chairperson of the senate education committee;

18 (H) a parent with a qualified student in the program appointed by the
19 governor, and

20 (I) a representative of a qualified school appointed by the governor.

21 (3) The non-voting member shall be a representative from the state
22 department of education.

23 (c) All members of the board shall be residents of Kansas.

24 (d) (1) The members appointed by the governor shall serve an initial
25 term of one year. The members appointed by the minority leader of the
26 senate and the minority leader of the house of representatives shall serve
27 an initial term of two years. The members appointed by the president of
28 the senate and the speaker of the house of representatives shall serve an
29 initial term of three years.

30 (2) After the initial terms established by paragraph (1), appointed
31 board members shall serve for four-year terms and are eligible for
32 reappointment at the expiration of such member's initial term.

33 (e) Any vacancy occurring on the board shall be filled in the same
34 manner as the initial appointment for the unexpired term being filled.

35 (f) The board shall meet upon the call of the chairperson at least twice
36 per year. A majority of the voting members of the board constitutes a
37 quorum.

38 (g) Members of the board attending meetings of such board or
39 attending a subcommittee meeting thereof authorized by such board shall
40 be paid compensation, subsistence allowance, mileage and other expenses
41 as provided in K.S.A. 75-3223, and amendments thereto.

42 **New Sec. 4.** (a) The board shall have the following powers and
43 duties:

, except that the initial appointment shall be a parent of a
qualified student who intends to participate in the program

, except that the initial appointment shall be a representative of
a school that intends to apply and participate in the program as
a qualified

- 1 (1) Oversee and manage the program;
- 2 (2) ~~direct~~**advise** the treasurer on the implementation and
- 3 administration of the program;
- 4 (3) determine the manner and form of the application to enroll in the
- 5 program and establish an account; 11
- 6 (4) pursuant to section ~~10~~, and amendments thereto, determine the
- 7 manner and form of the application for approval as a qualified school or
- 8 tutor ~~and receives to receive~~ payments from an account;
- 9 (5) execute contracts or authorize the treasurer to execute contracts as
- 10 necessary to carry out the requirements of this act; 10
- 11 (6) hear and review appeals pursuant to section ~~9~~, and amendments
- 12 thereto;
- 13 (7) work with the state department of education as necessary for the
- 14 program;
- 15 ~~(8) adopt rules and regulations necessary to implement and~~
- 16 ~~administer this act and accounts. Such rules and regulations shall include,~~
- 17 ~~but not be limited to:~~
- 18 ~~(A) Establishment of~~ **establish** an appeals process in accordance with 10
- 19 section ~~9~~, and amendments thereto;
- 20 ~~(B) conducting or contracting to conduct~~
- 21 **(9) conduct or contract to conduct financial** audits of the use of
- 22 account moneys;
- 23 ~~(C) establishment or contracting~~
- 24 **(10) establish or contract** for the establishment of a telephone or
- 25 online fraud reporting service;
- 26 ~~(D) establishment or contracting~~
- 27 **(11) establish or contract with a private entity** for the
- 28 establishment of a ~~mobile~~ **commercially viable and user friendly**
- 29 website, native application ~~and~~ or mobile application that will **establish**
- 30 **digital spending accounts on behalf of qualified students and** provide
- 31 at least the following services:
- 32 ~~(i)(A)~~ **(A)** Account management;
- 33 ~~(ii)~~ **(ii)** payment processing; and
- 34 ~~(iii) eligible categories of expenditures by the treasurer and parent~~
- 35 **of a qualified student;**
- 36 **(B) payment processing by electronic funds transfer to a qualified**
- 37 **school or other entity approved by the board;**
- 38 **(C) reimbursement by electronic funds transfer to a qualified**
- 39 **school, tutor or other entity approved by the board;**
- 40 **(D) the ability for the treasurer to monitor and create reports of**
- 41 **transaction activity in real time;**
- 42 **(E) the ability for the treasurer to put an account on a temporary**
- 43 **hold status;**

1 (F) a design that reduces the possibility of fraud, waste and
2 abuse; and

3 (G) meet best standards as determined by the board for data
4 privacy and cyber security; and

5 ~~(E) requirements for~~

6 (12) require a surety bond or insurance of at least \$100,000 for
7 education service providers serving more than five students annually. Such
8 requirements shall not apply to an education service provider who is an
9 immediate family member of the qualified students such provider is
10 serving;

11 ~~(9)~~(13) develop and update as necessary a handbook for program
12 applicants and participants that includes, but is not limited to, information
13 relating to policies and process of sunflower education equity scholarship
14 accounts; and

15 ~~(10)~~(14) exercise such other powers and perform such other functions
16 and duties provided in this act.

17 (b) The board shall not disclose a qualified student's identification or
18 distribute or release any personally identifiable data of a qualified student
19 to a third party without the written consent of such student's parent.
20 Written consent shall be obtained for each instance of such disclosure,
21 distribution or release.

22 **New Sec. 5.** (a) The treasurer shall maintain an explanation of at
23 least the following information on the treasurer's website and provide an
24 electronic or hard copy of such information to any parent whose child is a
25 qualified student participating in the program prior to any expenditure
26 from an account:

27 (1) The allowable uses of money in an education equity scholarship
28 account provided in section 7, and amendments thereto; 8

29 (2) the responsibilities of a parent of a qualified student participating
30 in the program;

31 (3) the effect of participation in the program by qualified students
32 with an individualized education program (IEP) or an education plan under
33 section 504 of the rehabilitation act of 1973, 29 U.S.C. § 794 (section 504
34 plan);

35 (4) the appeals process established pursuant to section 9, and
36 amendments thereto; 10

37 (5) the handbook developed pursuant to section 4, and amendments
38 thereto;

39 (6) the duties of the treasurer; and

40 (7) the duties of the board.

41 (b) The state department of education shall include information about
42 the program on the department's homepage and provide a link on such
43 homepage to the treasurer's webpage about the program.

2024-2025

1 New Sec. 6. (a) For school year ~~2023-2024~~, a qualified student
2 may participate in the program if such student meets the
3 requirements of this act and:

2023-2024

4 (1) (A) Was enrolled in and attending public school in school year
5 ~~2022-2023~~ for kindergarten or any of the grades one through 12, or
6 preschool if such student has a disability; or

2024-2025

7 (B) is eligible to enroll in kindergarten in school year ~~2023-2024~~;
8 or

9 (2) if the student does not meet the requirements of paragraph (1)
10 but has an annual family income that is less than or equal to 300% of
11 the federal poverty guidelines as determined annually in the federal
12 register by the United States department of health and human services
13 under 42 U.S.C. § 9902(2), except that the number of students eligible
14 to participate in the program pursuant to this paragraph shall not
15 exceed 2,000 students.

2025-2026

16 (b) For school year ~~2024-2025~~, a qualified student may
17 participate in the program if such student meets the requirements of
18 this act and:

19 (1) (A) Participated in the program in the immediately preceding
20 school year;

2024-2025

21 (B) was enrolled in and attending public school in school year
22 ~~2023-2024~~ for kindergarten or any of the grades one through 12, or
23 preschool if such student has a disability; or

2025-2026

24 (C) is eligible to enroll in kindergarten in school year ~~2024-2025~~;
25 or

26 (2) if the student does not meet the requirements of paragraph (1)
27 but has an annual family income that is less than or equal to 400% of
28 the federal poverty guidelines as determined annually in the federal
29 register by the United States department of health and human services
30 under 42 U.S.C. § 9902(2), except that the number of students eligible
31 to participate in the program pursuant to this paragraph shall not
32 exceed 4,000 students.

2026-2027

33 (c) For school year ~~2025-2026~~, a qualified student may participate
34 in the program if such student meets the requirements of this act and:

35 (1) Meets the requirements of subsection (a)(1) or (b)(1); or

36 (2) if the student does not meet the requirements of subsection (a)
37 (1) or (b)(1), the student may still participate, except that the number
38 of students participating pursuant to this paragraph shall not exceed
39 8,000.

2027-2028

40 (d) Beginning in school year ~~2026-2027~~, all qualified students who
41 meet the requirements of this act may participate in the program.

42 (e) If the number of applicants exceeds the number of qualified
43 students allowed to participate in the program in a particular school

1 **year, the treasurer shall accept such students into the program on a**
2 **first come, first served basis.**

3 ~~New Sec.-6.~~ 7. (a) (1) To enroll in the program for the purpose of
4 establishing an account, the parent of a qualified student shall submit an
5 application on a form and in a manner determined by the board.

6 (2) If the parent of a qualified student who is schooled at home makes
7 application to enroll in this program, such application does not constitute
8 registration pursuant to K.S.A. 72-4346, and amendments thereto, and
9 nothing in this act shall be construed to require a parent to register with the
10 state department of education pursuant to K.S.A. 72-4346, and
11 amendments thereto.

Beginning in school year 2024-2025,

12 (b) ~~The~~ treasurer shall:

13 (1) Accept sunflower education equity applications throughout the
14 school year;

15 (2) enroll a qualified student in the program after receipt of a
16 completed application and any other required documentation;

17 (3) notify parents of the student's enrollment in the program within 30
18 calendar days after receipt of completed application forms and other
19 required documentation; and

20 (4) provide parents the program information required by section 5,
21 and amendments thereto.

22 (c) The treasurer and parents may provide any notifications,
23 applications or documents required by this act electronically. The treasurer
24 shall confirm receipt of all notifications required by this act, whether
25 provided by hard copy or electronically.

26 (d) After enrollment in the program, the parent of a qualified student
27 shall enter into a written agreement with the treasurer, in a manner and on
28 a form provided by the board, to establish an account. Each such written
29 agreement shall be approved by the board.

30 (e) The written agreement shall provide the following:

12

31 (1) Except as provided in section ~~11~~, and amendments thereto, a
32 portion of moneys in the account shall be used to provide an education for
33 the qualified student in at least the subjects of reading, grammar,
34 mathematics, social studies and science;

35 (2) after receiving the scholarship, the qualified student shall not
36 enroll full-time in a school of a school district;

37 (3) no immediate family member of a qualified student may charge or
38 collect payment, tuition or fees for any of the following if provided to such
39 qualified student:

40 (A) Educational therapies or services; **or**

41 (B) tutoring; ~~or~~

42 ~~(C) the education of such qualified student if such student is attending~~
43 ~~a nonpublic school operated by or in the home of such immediate family~~

1 member. A parent may charge and collect fees for the education of a
2 qualified student attending a nonpublic school operated by or in the home
3 of such parent if such qualified student is not the child of such parent;

4 (4) the money in a qualified student's account shall only be expended
5 as authorized by this act;

6 (5) **any payments from an account for tuition shall only be made**
7 **to a qualified school or a postsecondary educational institution;**

8 (6) the qualified student may accept a scholarship from a scholarship
9 granting organization pursuant to the tax credit for low income students
10 scholarship program act, K.S.A. 72-4351 et seq., and amendments thereto,
11 if the qualified student and the qualified student's parent meets the
12 requirements of both programs; and

13 ~~(6)~~(7) the parent of a qualified student shall comply with all
14 requirements of this act and any rules and regulations adopted hereunder.

15 (f) Upon execution of an initial written agreement, the treasurer shall
16 notify the board, who shall provide final approval of such agreement.
17 Upon approval, the treasurer shall ~~establish~~ **authorize** an account in the
18 name of the qualified student.

19 (g) One account shall be established for each qualified student. A
20 parent acting on behalf of more than one qualified student shall have a
21 separate account and separate written agreement for each qualified student.

22 (h) A written agreement entered into pursuant to this section shall
23 have a term of one year, but may be suspended or terminated at any time
24 pursuant to subsection (i). To continue receiving a scholarship, the parent
25 of a qualified student shall renew the qualified student's account on an
26 annual basis. The treasurer shall notify the parent of the renewal
27 requirements at least 30 calendar days prior to the end of the written
28 agreement's term.

29 (i) (1) The treasurer may suspend a written agreement upon a
30 determination that:

31 (A) Money in an account has been used for purposes other than those
32 allowed by this act;

33 (B) the student is no longer a resident of Kansas; or

34 (C) the qualified student enrolls in a school district on a full-time
35 basis.

36 (2) When a written agreement is suspended by the treasurer, the
37 treasurer shall notify the parent of the qualified student that the written
38 agreement has been suspended and that no transactions or disbursements
39 from the qualified student's account may be made during the suspension.
40 The notification shall specify the reason for the suspension and state that
41 the parent has 15 business days to respond and take corrective action. The
42 treasurer may terminate the written agreement if the parent refuses or fails
43 to:

1 (A) Respond, furnish any additional information or make any report
2 required for reinstatement within the 15-day period; or

8

3 (B) comply with section 7(d), and amendments thereto, after making
4 an unauthorized expenditure.

5 (3) A parent may terminate a written agreement at any time. To
6 terminate a written agreement, the parent shall notify the treasurer in
7 writing of such termination.

8 (4) When a written agreement is terminated, the account associated
9 with such agreement shall be deemed no longer active and the treasurer
10 shall close the account in accordance with section 8, and amendments
11 thereto.

9

12 **New Sec.-7. 8.** (a) A parent shall only expend moneys in a qualified
13 student's account for the following expenses of the qualified student:

14 (1) Tuition or fees charged by a qualified school;

15 (2) textbooks and other supplies required by a qualified school;

16 (3) educational therapies or services provided by a licensed or
17 accredited education provider;

18 (4) tutoring services provided by a tutor, who shall not be an
19 immediate family member of the qualified student;

20 (5) curriculum materials;

21 (6) uniforms purchased ~~from or through~~ **as required for attendance**
22 **at a qualified school;**

23 (7) tuition or fees charged by an online learning program;

24 (8) contracted services from a public school district, including
25 individual classes;

26 (9) fees for any nationally standardized norm-referenced achievement
27 test, advanced placement examination or examination related to admission
28 to a postsecondary institution;

29 (10) tuition and fees charged by a postsecondary educational
30 institution;

31 (11) textbooks required by a postsecondary educational institution;

32 (12) fees or costs required to apply for or acquire occupational
33 licenses, certificates, apprenticeships or other professional qualifications;

34 (13) fees for transportation services approved by the board that are
35 used for transportation to and from a qualified school;

36 (14) computer hardware and technological devices primarily used for
37 educational purposes, including personal computers, laptops, tablet
38 devices, microscopes, telescopes and printers; and

39 (15) any other education expenses approved by the board.

40 (b) Money in a qualified student's account shall not be expended for
41 the following:

42 (1) Athletic training or coaching; or

43 (2) for qualified students schooled at home, instruction or tutoring

1 provided by an immediate family member.

2 (c) The content or religious nature of a product or service may not be
3 considered when determining whether payment for such product or service
4 is an allowable expenditure from an account.

5 (d) The treasurer shall notify the parent of any expenditures from a
6 qualified student's account that do not meet the requirements of subsection
7 (a). Such parent shall repay the cost of any such expenditures within 30
8 calendar days of notification by the treasurer. Any such expenditure that is
9 subsequently repaid shall be credited back to the account balance within
10 30 calendar days after the receipt of payment.

11 (e) The board or treasurer may refer cases of substantial misuse of
12 moneys to the attorney general for purposes of collection or criminal
13 investigation if the board or treasurer obtains evidence of fraudulent use of
14 an account.

15 **New Sec.-8- 9.** (a) (1) There is hereby established in the state treasury
16 the sunflower education equity scholarship fund to be administered by the
17 state treasurer. Moneys in the sunflower education equity scholarship fund
18 shall be expended only for the purposes established in this act. All moneys
19 received pursuant to subsection (b) shall be deposited in the state treasury
20 in accordance with the provisions of K.S.A. 75-4215, and amendments
21 thereto, and shall be credited to the sunflower education equity scholarship
22 fund.

23 (2) On or before the 10th day of each month, the director of accounts
24 and reports shall transfer from the state general fund to the sunflower
25 education equity scholarship fund interest earnings based on:

26 (A) The average daily balance of moneys in the sunflower education
27 equity scholarship fund; and

28 (B) the net earnings rate of the pooled money investment portfolio for
29 the preceding month.

30 (b) On or before August 1 ~~of each year,~~ the treasurer shall determine
31 the amount to be transferred to the sunflower education equity scholarship
32 fund by multiplying an amount equal to the BASE aid by the total number
33 of qualified students participating in the program.

, 2024, and on August 1 each year thereafter

34 ~~(c) During each regular legislative session, the treasurer shall provide~~
35 ~~to the legislature an estimate of the amount required to fund sunflower~~
36 ~~education equity scholarship accounts for the succeeding fiscal year.~~

The treasurer shall certify the resulting amount to the director of
accounts and reports. Upon receipt of such certification, the
director of accounts and reports shall transfer the certified
amount from the state general fund to the sunflower education
equity scholarship fund.

37 ~~(d)~~ (1) Except as provided in paragraph (2) and if an account is
38 active, the treasurer shall transfer annually to a qualified student's account
39 in the sunflower education equity scholarship fund an amount equal to
40 95% of the BASE aid. The treasurer shall make such transfers in two
41 installments per school year: One installment in August and one
42 installment in January.

43 (2) If a qualified student enrolls in a school district on a part-time

1 basis, such qualified student or such student's parent shall notify the
2 treasurer, who shall prorate the amount to be transferred under paragraph
3 (1).

4 (e) Unless an account has been closed pursuant to subsection (h),
5 moneys remaining in an account at the end of a school year shall roll over
6 in such account to the next succeeding school year.

7 (f) A qualified school or other entity providing education services
8 purchased with moneys from an account shall not share, refund or rebate
9 any portion of such moneys to the parent or qualified student. Any such
10 refund or rebate shall be made directly into the qualified student's account.

11 (g) No personal deposits may be made into an account.

12 (h) (1) Each account shall remain active until:

13 (A) A written agreement is terminated pursuant to section ~~6~~, and
14 amendments thereto;

15 (B) a parent does not renew the qualified student's written agreement
16 for a period of three years and fails to timely respond to the notice sent by
17 the treasurer that the account will close in 60 calendar days if the written
18 agreement is not renewed;

19 (C) upon the student's graduation from a postsecondary educational
20 institution; or

21 (D) four consecutive years have passed after a student's graduation
22 from high school or award of a high school equivalency certificate in
23 which the student is not enrolled in a postsecondary educational
24 institution.

25 (2) When the treasurer determines that an account is no longer active,
26 the treasurer shall close the account and certify the amount of moneys
27 remaining in the account to the director of accounts of reports. Such
28 certified amount shall be transferred from the closed account to the state
29 general fund.

30 (i) ~~The treasurer shall deduct 5% of the BASE aid per qualified
31 student participating in the program as reimbursement for the
32 administrative costs of administering the program.~~

33 (j) The board may contract with private financial management firms
34 to manage scholarship accounts.

35 (j) ~~(k)~~ Moneys in an account do not constitute taxable income to the
36 parent of the qualified student.

37 (k) ~~(l)~~ The board shall conduct or contract to conduct annual **financial**
38 audits and random quarterly **financial** audits of sunflower education equity
39 scholarship accounts to ensure compliance with this act. The board shall
40 determine the scope of such audit and shall oversee such audit.

41 **New Sec.—9: 10.** (a) A parent may appeal to the board any
42 administrative decision made by the board or treasurer pursuant to this act,
43 including, but not limited to, determinations of allowable expenses,

(3) The treasurer shall deduct 5% of the BASE aid per qualified student participating in the program as reimbursement for the administrative costs of administering the program.
(d) During each regular legislative session, the treasurer shall provide an estimate of the amount required to fund sunflower education equity scholarship accounts for the next succeeding fiscal year.

7

1 removal from the program or enrollment eligibility. The treasurer shall
2 notify parents that each parent may appeal any administrative decision
3 made under this act and the process by which the parent may appeal. The
4 board shall establish an appeals process.

5 (b) Parents may represent themselves or designate a representative
6 before any appeals hearing. Any designated representative who is not an
7 attorney may not charge for any service rendered in connection with such
8 hearing. The fact that a representative participated in the hearing or
9 assisted a parent is not grounds for reversing any administrative decision
10 or order if the evidence supporting the decision or order is substantial,
11 reliable and probative.

12 (c) If the board issues a stay of an account suspension in response to
13 an appeal of an administrative decision made by the board or the treasurer,
14 the board or treasurer shall not withhold funding or refuse to enter into an
15 agreement with the parent pursuant to section 6, and amendments thereto,
16 unless otherwise directed by the board.

7

17 ~~New Sec.—10.~~ **11.** (a) A tutor seeking to provide tutoring services to
18 qualified students shall apply to the board on a form and in a manner
19 determined by the board. Such application shall include the name, address
20 and phone number of the tutor. If the tutor has a website or email address,
21 such website or email address shall also be provided to the board.

22 (b) A school seeking approval as a qualified school that will accept
23 and serve qualified students shall apply to the board on a form and in a
24 manner determined by the board. Such application shall include the name
25 of the school, the name and title of the primary contact of such school and
26 the school's address, phone number and email address. The primary
27 contact of such school shall attest in writing to the school's intent to
28 provide instruction to all qualified students enrolled at such school in the
29 subjects of ~~English language arts, English language proficiency~~ **reading,**
30 **grammar,** mathematics, science and social studies.

31 ~~New Sec.—11.~~ **12.** (a) A qualified school shall provide qualified
32 students enrolled full-time in such school instruction in reading, grammar,
33 mathematics, social studies and science. If any qualified students are
34 enrolled in the qualified school part-time, the qualified school shall
35 provide a statement to the board declaring which of the above required
36 subjects and courses of instruction it is providing to part-time enrolled
37 qualified students.

38 (b) This section does not apply to the following:

39 (1) Any postsecondary educational institution with qualified students
40 enrolled in such institution;

41 (2) a qualified student with a disability, including, but not limited to,
42 a student:

43 (A) Eligible to receive services pursuant to article 34 of chapter 72 of

1 the Kansas Statutes Annotated, and amendments thereto;

2 (B) identified as having a disability under section 504 of the
3 rehabilitation act of 1973; or

4 (C) whose parent states in writing such student has a disability. No
5 verification of a disability stated pursuant to this paragraph shall be
6 required.

; or

7 (3) any qualified student attending school at home if such school is
8 provided by an immediate family member.

9 (c) This section shall not be construed to require any qualified school
10 to provide instruction in any subject or course that is not reading,
11 grammar, mathematics, social studies and science.

12 ~~New Sec. 12.~~ **13.** (a) A qualified school with 50 or more qualified
13 students enrolled shall annually make available to parents of a qualified
14 student enrolled or seeking to be enrolled at such school the aggregate test
15 scores of either all students enrolled or all qualified students enrolled in
16 the qualified school the following examinations and assessments by school
17 building and grade level:

18 (1) Any nationally standardized norm-referenced achievement
19 examination or state assessment; and

20 (2) any examination related to college or university admissions that
21 assesses reading and mathematics.

22 (b) The parent of a qualified student may request such student take
23 the state assessment at the school district where such student resides. Such
24 state assessment shall be provided by such school district upon request and
25 at no charge. The qualified student may take the state assessment at the
26 same time and date when such assessment is given to students attending a
27 school of the school district where such student resides. The school district
28 may allow a qualified student to take such assessment at an alternative
29 date and time if requested by the qualified student's parent.

30 (c) (1) No information provided to the board or made available shall
31 include any data on a qualified student's personal feelings, attitudes,
32 beliefs or practices.

33 (2) The qualified school shall not disclose a qualified student's
34 identification or distribute or release any personally identifiable data of a
35 qualified student to a third party without the written consent of such
36 student's parent. Written consent shall be obtained for each instance of
37 such disclosure, distribution or release.

38 ~~New Sec. 13.~~ **14.** Nothing in this act shall be construed to permit any
39 governmental agency to exercise control or supervision over any
40 nonpublic school or home school. Any qualified school or tutor that
41 accepts a payment from a parent of a qualified student participating in the
42 program is not an agent of this state.

43 **{Sec. 15. K.S.A. 2022 Supp. 72-3120 is hereby amended to read as**

1 follows: 72-3120. (a) Subject to the other provisions of this section,
2 every parent or person acting as parent in the state of Kansas, who
3 has control over or charge of any child who has reached the age of
4 seven years and is under the age of 18 years and has not attained a
5 high school diploma, a general educational development credential or
6 a high school equivalency credential, shall require such child to be
7 regularly enrolled in and attend continuously each school year:

8 (1) A public school for the duration of the school term provided
9 for in K.S.A. 72-3115, and amendments thereto;

10 (2) a private, denominational or parochial school taught by a
11 competent instructor for a period of time which is substantially
12 equivalent to the period of time public school is maintained in the
13 school district in which the private, denominational or parochial
14 school is located; or

15 (3) a combination of a public school and a private,
16 denominational or parochial school for the periods of time referred to
17 in paragraphs (1) and (2).

18 (b) If the child is 16 or 17 years of age, the child shall be exempt
19 from the compulsory attendance requirements of this section if:

20 (1) The child is regularly enrolled in and attending a program
21 recognized by the local board of education as an approved alternative
22 educational program;

23 (2) the parent or person acting as parent provides written consent
24 to allow the child to be exempt from the compulsory attendance
25 requirements of this section and the child and the parent or person
26 acting as parent attend a final counseling session conducted by the
27 school during which a disclaimer to encourage the child to remain in
28 school or to pursue educational alternatives is presented to and signed
29 by the child and the parent or person acting as parent. The disclaimer
30 shall include information regarding the academic skills that the child
31 has not yet achieved, the difference in future earning power between a
32 high school graduate and a high school drop out and a listing of
33 educational alternatives that are available for the child;

34 (3) the child is regularly enrolled in a school as required by
35 subsection (a) and is concurrently enrolled in a postsecondary
36 educational institution, as defined by K.S.A. 74-3201b, and
37 amendments thereto; or

38 (4) the child is subject to a court order that allows or requires the
39 child to be exempt from the compulsory attendance requirements.

40 (c) *A child that is a qualified student participating in the sunflower
41 education equity program pursuant to section 1 et seq., and amendments
42 thereto, shall be deemed to meet the requirements of this section.*

43 (d) Any child who is under the age of seven years, but who is

1 enrolled in school, shall be subject to the compulsory attendance
2 requirements of this section. Any such child may be withdrawn from
3 enrollment in school at any time by a parent or person acting as
4 parent of the child and thereupon the child shall be exempt from the
5 compulsory attendance requirements of this section until the child
6 reaches the age of seven years or is re-enrolled in school.

7 ~~(d)~~(e) Any child who is determined to be an exceptional child,
8 except for an exceptional child who is determined to be a gifted child,
9 under the provisions of the special education for exceptional children
10 act shall be subject to the compulsory attendance requirements of
11 such act and exempt from the compulsory attendance requirements of
12 this section.

13 ~~(e)~~(f) Any child who has been admitted to, and is attending, the
14 Kansas academy of mathematics and science, as provided in K.S.A.
15 72-3903 et seq., and amendments thereto, shall be exempt from the
16 compulsory attendance requirements of this section.

17 ~~(f)~~(g) No child attending public school in this state shall be
18 required to participate in any activity which is contrary to the
19 religious teachings of the child if a written statement signed by one of
20 the parents or a person acting as parent of the child is filed with the
21 proper authorities of the school attended requesting that the child not
22 be required to participate in such activities and stating the reason for
23 the request.

24 ~~(g)~~(h) When a recognized church or religious denomination that
25 objects to a regular public high school education provides, offers and
26 teaches, either individually or in cooperation with another recognized
27 church or religious denomination, a regularly supervised program of
28 instruction that is approved by the state board of education, for
29 children of compulsory school attendance age who have successfully
30 completed the eighth grade, participation in such a program of
31 instruction by any such children whose parents or persons acting as
32 parents are members of the sponsoring church or religious
33 denomination shall be regarded as acceptable school attendance
34 within the meaning of this act. Approval of such programs shall be
35 granted by the state board of education, for two-year periods, upon
36 application from recognized churches and religious denominations,
37 under the following conditions:

38 (1) Each participating child shall be engaged, during each day on
39 which attendance is legally required in the public schools in the school
40 district in which the child resides, in at least five hours of learning
41 activities appropriate to the adult occupation that the child is likely to
42 assume in later years;

43 (2) acceptable learning activities, for the purposes of this

1 subsection, shall include projects supervised by a parent or person
2 acting as parent in agriculture and homemaking, work-study
3 programs in cooperation with local business and industry and
4 correspondence courses from schools accredited by the national home
5 study council, recognized by the United States office of education as
6 the competent accrediting agency for private home study schools;

7 (3) at least 15 hours per week of classroom work under the
8 supervision of an instructor shall be provided, at which time students
9 shall be required to file written reports of the learning activities they
10 have pursued since the time of the last class meeting, indicating the
11 length of time spent on each one, and the instructor shall examine and
12 evaluate such reports, approve plans for further learning activities
13 and provide necessary assignments and instruction;

14 (4) regular attendance reports shall be filed as required by law
15 and students shall be reported as absent for each school day on which
16 they have not completed the prescribed minimum of five hours of
17 learning activities;

18 (5) the instructor shall keep complete records concerning
19 instruction provided, assignments made and work pursued by the
20 students, and these records shall be filed on the first day of each
21 month with the state board of education and the board of education of
22 the school district in which the child resides;

23 (6) the instructor shall be capable of performing competently the
24 functions entrusted thereto; and

25 (7) in applying for approval under this subsection a recognized
26 church or religious denomination shall certify its objection to a
27 regular public high school education and shall specify, in such detail as
28 the state board of education may reasonably require, the program of
29 instruction that it intends to provide and no such program shall be
30 approved unless it fully complies with standards specified by the state
31 board of education.

32 If the sponsors of an instructional program approved under this
33 subsection fail to comply at any time with the provisions of this
34 subsection, the state board of education shall rescind, after a written
35 warning has been served and a period of three weeks allowed for
36 compliance, approval of the programs, even though the two-year
37 approval period has not elapsed, and thereupon children attending
38 such program shall be admitted to a high school of the school district.

39 ~~(h)~~(i) (1) Each board of education of a school district shall allow
40 any child to enroll part-time in the school district to allow the student
41 to attend any courses, programs or services offered by the school
42 district if the child:

43 (A) Is also enrolled in a nonaccredited private elementary or

1 secondary school pursuant to K.S.A. 72-4345, and amendments
2 thereto, or in any other private, denominational or parochial school
3 pursuant to the provisions of subsection (a);

4 (B) requests to enroll part-time in the school district; and

5 (C) meets the age of eligibility requirements for school attendance
6 pursuant to K.S.A. 72-3118, and amendments thereto.

7 (2) Each board of education of a school district shall adopt a
8 policy regarding the part-time enrollment of students pursuant to this
9 subsection and shall publish such policy on the school district's
10 website. The board of education of a school district shall make a good
11 faith attempt to accommodate scheduling requests of students
12 enrolling in the school district pursuant to this subsection but shall not
13 be required to make adjustments to accommodate every such request.

14 ~~(j)~~ As used in this section:

15 (1) "Educational alternatives" means an alternative learning plan
16 for the student that identifies educational programs that are located in
17 the area where the student resides and are designed to aid the student
18 in obtaining a high school diploma, general educational development
19 credential or other certification of completion, such as a career
20 technical education industry certification. Such alternative learning
21 plans may include extended learning opportunities such as
22 independent study, private instruction, performing groups,
23 internships, community service, apprenticeships and online
24 coursework.

25 (2) "Parent" and "person acting as parent" mean the same as
26 such terms are defined in K.S.A. 72-3122, and amendments thereto.

27 (3) "Private school" includes competent, private instruction of a child
28 directed by a parent or person acting as parent. "Private school" does not
29 include instruction provided pursuant to subsection (c).

30 (4) "Regularly enrolled" means enrolled in five or more hours of
31 instruction each school day. For the purposes of subsection (b)(3),
32 hours of instruction received at a postsecondary educational
33 institution shall be counted.}

34 Sec. 16. K.S.A. 2022 Supp. 72-3120 is hereby repealed.

35 ~~Sec. 14.~~ 17. This act shall take effect and be in force from and after
36 its publication in the statute book.