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300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

MEMORANDUM

To: Chairperson Estes
Members of the House Committee on Education

From: The Office of Revisor of Statutes

Date: January 15, 2026

Subject: HB 2203 – Defining the term “other health impairment” for purposes of special education and related services.

House Bill No. 2203 (HB 2203) would amend K.S.A. 72-3404, which defines key terms used in the Special Education for Exceptional Children Act (Act). The bill would add a definition of the term “other health impairment.” Other health impairment is a broader eligibility category used for qualifying for special education and related services. It is defined in federal regulations as:

[H]aving limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that—

(i) Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and

(ii) Adversely affects a child's educational performance.¹

HB 2203 would codify the same definition in K.S.A. 72-3404 and add “fetal alcohol syndrome disorder” to the list of specified disorders. This would specifically include fetal alcohol syndrome disorder as a chronic or acute health problem under this category in Kansas.

If enacted, HB 2203 would become effective on July 1, 2026.

¹ 34 C.F.R. § 300.8(c)(9).