

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE SUBSTITUTE FOR HOUSE BILL NO. 2402**

As Agreed to March 25, 2026

Brief*

Senate Sub. for HB 2402 would require certain school districts to annually consider participation in the Community Eligibility Provision (CEP) of the National School Lunch Program (NSLP) and would make changes to the Public Innovative District Act (Act).

The bill would be in effect upon publication in the *Kansas Register*. The provisions regarding the Act would take effect upon publication in the *Kansas Register*, and the provisions regarding CEP participation would take effect on and after July 1, 2026.

Community Eligibility Provision Consideration

The bill would require local school boards, with one or more school with at least 50.0 percent of the school's students directly certified as eligible to receive free lunch under the NSLP, to annually determine the number of students who are enrolled and attending school in the school district that qualify for free meals through direct certification under the NSLP. The bill would allow for school districts to provide appropriate instruction and assistance to students and families to ensure accurate student participation in NSLP.

Consideration of Participation

Following such determination, the local board of education would be required by the bill to consider participation in CEP for the school district as a whole or any school within the district determined to be eligible. If participation is desired and would not cause financial hardship, the board would approve participation by a majority vote and direct the superintendent to perform any necessary tasks for participation.

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <https://klrd.gov/>

Financial Hardship

If the local board of education determines that participation in CEP would cause financial hardship for the school district, the bill would require the local board of education to demonstrate such financial hardship in an open public meeting and, by a majority vote, declare that the school district, or school within the school district, elects not to participate in CEP.

Kansas State Department of Education Assistance

The Kansas State Department of Education (KSDE) would be required to assist any school district with one or more schools that qualify for CEP in the school district's efforts to participate in CEP.

Public Innovative District Act

The bill would change the various deadlines within the Public Innovative District Act (Act), including:

- School district applications to the State Board of Education (State Board) for approval to operate as a public innovative district would change from December 1 to May 1;
- Reduce the State Board's window to review and act upon a school district application from 90 days to 45 days after receipt of an application; and
- Reduce the State Board's window to act upon a request for reconsideration from 60 days to 45 days after receipt of such request.

The bill would also provide that should the State Board or the Public Innovative District Coalition Board not act upon a school district's application within the windows established in the Act then the district's application would be deemed to be approved.

Conference Committee Action

The Conference Committee agreed to Senate Sub. for HB 2402, as passed by the Senate, with the following amendments:

- Include language requiring that only school boards with one or more schools with at least 50.0 percent of students eligible for free lunch through direct certification under NSLP would need to annually consider CEP participation; and
- Add clarifying language that the determination of the number of students enrolled in and attending school in each school who qualify for a free lunch under the NSLP would only be those students who qualify through the direct certification process.

The Conference Committee further agreed to insert the contents of SB 384, as passed by the Senate, which pertains to deadline changes to the Act, into Senate Sub. for HB 2402.

Background

Senate Sub. for HB 2402

The Senate Committee on Education recommended a substitute bill that removed the original contents of HB 2402 and added provisions pertaining to school district participation in the CEP of the National School Lunch Act originally contained in SB 438, as amended by the Senate Committee on Education. The background for SB 438 is included below.

HB 2402, as passed by the House, would have created a Blue Ribbon Commission on Higher Education for the purpose of studying, discussing, and making recommendations on higher education in Kansas.

[*Note:* Contents similar to HB 2402 were included as a proviso in the 2025 appropriations bill (2025 SB 125) for both FY 2026 and 2027.]

SB 438 (CEP Considerations)

SB 438 was introduced by the Senate Committee on Education at the request of Senator Thomas.

Senate Committee on Education. In the Senate Committee hearing, **proponent** testimony was provided by representatives of the American Heart Association, Kansas Appleseed Center for Law and Justice, and Kansas Action for Children. The proponents generally stated SB 438 would increase access to food in schools and that the federal program provides accountability.

Opponent testimony was provided by representatives for the Kansas Association of School Boards (KASB) and United School Administrators. The opponents generally stated the bill could negatively impact school funding because at-risk funding is tied to students who qualify to receive free lunch under the NSLP and that families could be reluctant to share financial information for other purposes.

Written-only opponent testimony was provided by the Kansas National Education Association, the Kansas Parent Teacher Association, and USD 259 (Wichita Public Schools).

No other testimony was provided.

The Senate Committee amended SB 438 to:

- Require local boards of education to annually determine the number of students who qualify for free lunch under the NSLP;
- Remove the requirement that a local board of education adopt a resolution in order to participate;
- Add language that the local board of education directs the superintendent to perform any necessary tasks for participation in CEP; and

- Clarifies that, upon the determination of financial hardship, a local board of education declares that such school district or school elects not to participate in CEP.

[*Note:* The Conference Committee retained these amendments.]

SB 384 (Public Innovative District Act)

SB 384 was introduced by the Senate Committee on Education at the request of a representative of O'Neil Consulting.

Senate Committee on Education

In the Senate Committee hearing, **proponent** testimony was provided by representatives of the Kansas School Board Resource Center and USD 329 (Wabaunsee). The proponents generally stated the bill would align application deadlines and approval timelines with school budgeting, staffing, and hiring realities, reduce regulatory burdens, and help districts more quickly plan and implement innovative programs aimed at improving student outcomes.

Opponent testimony was provided by a representative for the Kansas Association of School Boards (KASB). The conferee stated they have not heard concerns from members about current timelines, expressed concern the bill could be a step toward loosening regulations to expand charter schools, and said any changes should retain affirmative approval, complete application requirements, and public notice protections.

Written-only opponent testimony was provided by representatives of the State Board.

No other testimony was provided.

The Senate Committee amended SB 384 to increase the time the State Board has to consider an application for approval and to reconsider an application to 45 days and adopted technical amendments. [*Note:* The Conference Committee retained this amendment.]

Fiscal Information

Senate Sub. for HB 2402 (CEP Considerations)

According to the fiscal note prepared by the Division of the Budget on SB 438, as introduced, KSDE indicates enactment of the bill would have no fiscal effect on state aid to school districts; however, the provisions of the bill would require technical assistance for school districts, which could be done through the agency's existing staff and operating budget.

The Division of the Budget notes that because there would be a financial hardship exemption process, school districts could opt out if SB 438's provisions were too costly.

SB 384 (Public Innovative District Act)

According to the fiscal note prepared by the Division of the Budget on SB 384, as introduced, KSDE indicates SB 384 could increase the agency's expenditures if the State Board was required to call a special meeting, as the State Board currently only meets for two days once a month. However, KSDE cannot estimate the number of additional meetings that would be required with the enactment of the bill and cannot estimate a fiscal effect.

KASB indicates enactment of SB 384 would have no fiscal effect on school districts.

Any fiscal effect associated with enactment of SB 384 is not reflected in *The FY 2027 Governor's Budget Report*.

Education; school districts; school meals; community eligibility program; federal school lunch program; financial hardship; Public innovative district; State Board of Education; Kansas State Department of Education;

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