

SESSION OF 2026

SUPPLEMENTAL NOTE ON SENATE BILL NO. 382

As Amended by Senate Committee on
Education

Brief*

SB 382, as amended, would include special teachers employed by third-party contractors in the calculation of categorical Special Education State Aid for school districts. The bill would also make virtual schools responsible for the administration and proctoring of state assessments to their students.

Special Education State Aid

Definition of Special Teacher

The bill would amend the definition of “special teacher,” as used in the distribution calculations, to include persons employed by a third party that has contracted with a school district to provide special education or related services.

[*Note:* The bill would maintain all other elements of the definition of “special teacher” found in current law.]

Distribution of State Aid

The bill would amend the distribution calculations of Special Education State Aid for school districts that are not part of an interlocal agreement or cooperative to be based on a school district’s full-time equivalent (FTE) of special teachers providing approved services to students with

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

individualized education plans (IEPs) administered by the school district.

[*Note:* Current law restricts the calculation and distribution to only special teachers employed by a school district who are qualified to provide special education or related services.]

Virtual State Assessments

The bill would require that any state assessment administered virtually to a virtual school student would be administered by the student's virtual school. The bill would also make the following changes to the conditions under which a virtual state assessment may be administered:

- Require that the assigned date and time for the administration of a state assessment by a virtual school be in the same range of dates as assigned to the non-virtual students enrolled in the virtual school's school district;
- Authorize the virtual school to designate the assessment proctors for virtual state assessments;
- Authorize the virtual school proctor to both administer the virtual state assessment and monitor the student taking it from the same device so long as the assessment platform provides integrated camera proctoring;
- Require a second device with a functioning camera, provided by either the student or virtual school, for the virtual school proctor to monitor the student taking the virtual state assessment should the assessment platform not have integrated camera proctoring; and

- Require the virtual school to designate an assessment administrator to verify completed assessments.

The bill would also authorize the Kansas Department of Education (KSDE) to monitor the administration of state assessments to virtual students in the same manner as state assessments administered to non-virtual students.

The bill would require all costs incurred for any proctor designated by a virtual school to be the responsibility of the virtual school.

The bill would also make technical and conforming changes.

The bill would take effect upon publication in *The Kansas Register*.

Background

SB 382 (Virtual State Assessments)

The bill was introduced by the Senate Committee on Education at the request of Senator Thomas.

Senate Committee on Education

At the Senate Committee hearing on February 10, 2026, **proponent** testimony was provided by a representative of Insight School of Kansas and Kansas Virtual Academy. The proponent generally stated that the bill would create a better testing environment for virtual students by allowing virtual school staff to proctor the state assessments rather than a third-party vendor and would alleviate burdens on families caused by requiring a second device for monitoring during assessments.

Neutral testimony was provided by a representative of the Kansas Department of Education (KSDE). The conferee generally discussed the history of virtually administering state assessments. They also requested language be added to the bill to clarify the requirement that KSDE be allowed to monitor state assessments given virtually just like those given in-person.

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

No other testimony was provided.

The Senate Committee amended the bill to:

- Insert the contents of SB 383;
- Change the effective date to publication in *The Kansas Register*;
- Clarify that costs incurred for any proctor designated by a virtual school be the responsibility of the virtual school; and
- Authorize KSDE to monitor virtually administered assessments for the same purpose and in the same manner as for state assessments administered to non-virtual students.

SB 383 (Special Education State Aid)

The bill was introduced by the Senate Committee on Education at the request of Senator Thomas.

Senate Committee on Education

At the Senate Committee hearing on February 10, 2026, **proponent** testimony was provided by a representative of Kansas Connection Academy (KCA). The proponent

generally discussed how KCA provides special education and related services to its virtual students using licensed special education teachers but is unable to receive categorical Special Education State Aid (categorical state aid) from KSDE. The proponent stated the bill would help alleviate the financial burden of providing such services by allowing KCA to receive categorical state aid.

Written-only proponent testimony was provided by representatives of Insight School of Kansas and Kansas Virtual Academy.

Neutral testimony was provided by representatives of the Kansas Association of School Boards (KASB) and KSDE. The conferees generally stated that under current law, school districts are receiving categorical state aid for third-party contractors and that the issue concerns the contract between a third-party provider and a school district. The conferees also generally stated that expanding the number of teachers a district can receive categorical funding for without adding additional funding will reduce the amount of categorical state aid all school districts and interlocals receive.

Written-only neutral testimony was provided by representatives of the Kansas National Education Association and State Board of Education.

No other testimony was provided.

Fiscal Information

SB 382 (Virtual State Assessments)

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, both KSDE and KASB indicate enactment of the bill would have no fiscal effect.

SB 383 (Special Education State Aid)

According to the fiscal note prepared by the Division of the Budget on the bill, KSDE indicates that enactment of the bill would have no fiscal effect on state aid to school districts or the agency's administrative expenses as qualified special teachers that contract with a school district are currently eligible for reimbursement through the school district, if claimed correctly.

KASB indicates that provisions of the bill could be interpreted to be applicable to any party previously contracted with a school district and so could cause litigation expenses if a school district is sued for reimbursement from a third party. KASB states that no fiscal effect could be estimated.

Any fiscal effects associated with the bill is not reflected in *The FY 2027 Governor's Budget Report*.

Education; virtual schools; state assessment; special education; special education state aid; reimbursement; students