

KANSAS STATE BOARD OF EDUCATION

Notice of Public Hearing on Proposed Administrative Regulation

November 5, 2024

The Kansas State Board of Education will conduct a public hearing at 1:30 p.m., or as soon thereafter as possible, on Tuesday, February 11th, 2025, in the Board Room of the Landon State Office Building, 900 SW Jackson Ave., Suite 102, Topeka, Kansas, to consider the adoption of a proposed rule and regulation of the Kansas State Board of Education on a permanent basis.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rule and regulation. All interested parties may submit written comments prior to the hearing to the Secretary of the Kansas State Board of Education at the address below or by email to dbremer@ksde.org. The address for the Kansas State Board of Education is Landon State Office Building, 900 SW Jackson Ave., Suite 102, Topeka, Kansas 66612. All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulation during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes. The hearing shall be conducted in compliance with the public hearing procedures of the Kansas State Board of Education.

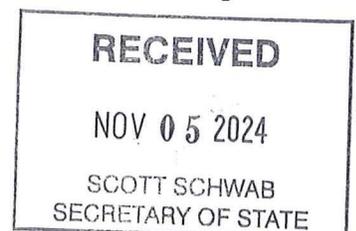
Any individual with a disability may request an accommodation in order to participate in the public hearing, and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Wendy Fritz at (785) 296-5363 (or TDD 785-296-8172) or by email to wfritz@ksde.org. The north entrance to the Landon State Office Building is accessible. Handicapped parking is located at the south end of the Landon State Office Building, across the street from the north entrance to the building, and on Ninth Street, just around the corner from the north entrance to the building.

A copy of the proposed regulation and its economic impact statement may be obtained by contacting the Office of General Counsel at the address above prior to the date of the hearing or by email to gc@ksde.org.

A summary of the proposed regulation and its economic impact follows.

K.A.R. 91-31-35

In 2024 the Kansas State Board of Education amended K.A.R. 91-31-35 to modify the minimum requirements for high school graduation that school districts were required to implement as part of their accreditation. One of those graduation requirements was for graduating seniors to either complete the Free Application for Federal Student Aid (“FAFSA”) or to obtain a waiver from doing so. Upon receiving feedback from students, parents, and school administrators the State Board has chosen to remove FAFSA completion from its list of minimum high school graduation requirements. The Kansas State Board of Education does not anticipate any significant financial or economic impact to this agency, other state agencies, or to the public because of this regulation.



91-31-35. Graduation requirements. (a) Each governing body shall adopt a written policy specifying that pupils are eligible for graduation only after completion of at least the following graduation requirements as established by the state board:

(1) Four units of English language arts, which shall include reading, writing, literature, grammar, and at least one-half unit of communication. The chief administrative officer may waive up to one unit of this requirement if the chief administrative officer determines that a pupil will benefit more by taking another subject;

(2) three units of history and government, which shall include world history; United States history; United States government, including the Constitution of the United States; concepts of economics and geography; and, except as otherwise provided in K.A.R. 91-31-35-(e), a course of instruction in Kansas history and government;

(3) three units of science, which shall include physical, biological, and earth and space science concepts and which shall include at least one unit as a laboratory course;

(4) three units of mathematics, including algebraic and geometric concepts;

(5) one-half unit of physical education. This requirement shall be waived if the school district is provided with a statement by a licensed physician that a pupil is mentally or physically incapable of participating in a regular or modified physical education program;

(6) one-half unit of health education which may include safety, first aid, or physiology. This requirement shall be waived if the school district is provided with a statement, signed by a lawful custodian of the pupil, indicating that the requirement is contrary to the religious teachings of the pupil;

(7) one-half unit of financial literacy;

(8) one unit of fine arts, which may include art, music, dance, theatre, forensics, and other similar studies selected by the governing body;

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(9) one unit of advanced science, technology, engineering, advanced math or other similar studies selected by the governing body;

(10) four and one-half units of elective courses; and

(11) two or more accomplishments approved by the State Board that demonstrate the pupil will be a successful Kansas high school graduate;

~~(12) one of the following filings, unless exempted by the chief administrative officer:~~

~~(A) a free application for federal student aid with the United States department of education, or;~~

~~(B) on a form created by the state board, file a waiver with the governing body indicating that a parent or guardian or, if the pupil is at least 18 years of age or legally emancipated, the pupil understands what the free application for federal student aid is and has chosen not to file an application.~~

(b) At least 21 units of credit shall be required for graduation.

(c) A unit may only satisfy one graduation requirement at a time.

(d) Any governing body may increase the number of units of credit required for graduation. Any additional requirements of the governing body that increase the number of units of credit required for graduation shall apply to those students who will enter the ninth grade in the school year following the effective date of the additional requirement.

(e) The governing body shall waive the requirement for a course of instruction in Kansas history and government required in K.A.R. 91-31-35(a)(2) for any student who transfers into the district at a grade level above that in which the course is taught.

~~(f) Unless more stringent requirements are specified by existing local policy, the graduation requirements specified in this regulation shall apply to those students who enter the ninth grade in the school year following the effective date of this regulation and to each subsequent class of students.~~

(Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution, K.S.A. 72-3235, and

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K.S.A. ~~2023~~ 2024 Supp. 72-5170; effective July 1, 2005; amended October 8, 2021; amended July 5,
2024; P-_____.)

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Kansas Administrative Regulations Economic Impact Statement (EIS)

The Kansas Department of Education
Agency

R. Scott Gordon
Agency Contact

785-296-3204
Contact Phone Number

91-31-35
K.A.R. Number(s)

Permanent Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million or more in implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governmental units and individuals as a result of the proposed rule and regulation over the initial five-year period following adoption of such rule(s) and regulation(s) (as calculated in Section III, F)?

Yes If "Yes," then the agency shall not adopt the rule(s) and regulation(s) until the rule(s) and regulation(s) has been ratified by the Legislature with a bill, unless the proposed rule(s) and regulation(s) are: 1) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program, as described in K.S.A. 77-416(b)(1)(B), and amendments thereto; 2) temporary rule(s) and regulation(s) adopted pursuant to K.S.A. 77-722, and amendments thereto; or 3) rules and regulations adopted pursuant to K.S.A. 2-3710 (Kansas Agricultural Remediation Board). Continue to fill out the remaining EIS form to be included with the regulation packet in the review process to the Department of Administration and the Attorney General. The submitted EIS will be independently analyzed by the Division of the Budget for approval.

No If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. The submitted EIS will be analyzed by the Division of the Budget for approval.

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Section I

Analysis, brief description, and cost and benefit quantification of the proposed rule(s) and regulation(s). If the approach chosen by the Kansas agency to address the policy issue is different from that utilized by agencies of contiguous states or of the federal government, the economic impact statement shall include an explanation of why the Kansas agency's rule and regulation differs.

The Kansas State Board of Education determined that although every high school student should receive information and assistance in applying for federal student aid funds, the risk of a student not graduating high school simply because they did not fill out a federal form was too high. That's the reason behind removing that requirement. Most states do not require completion of the FAFSA to graduate high school, so this amendment will put Kansas back in line with most states.

Section II

Explain whether the proposed rule and regulation is mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program and whether the proposed rules and regulations exceed the requirements of applicable federal law.

The proposed regulation is not mandated by any federal law, nor does it exceed the requirements of any federal law.

Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

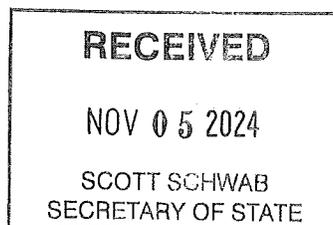
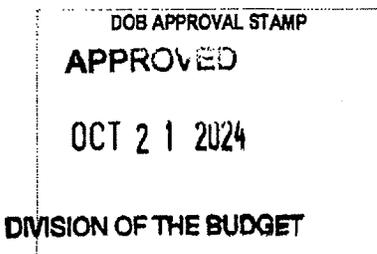
The proposed regulations will not have no impact on business activities or growth.

- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that will be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;

The proposed regulations will have no economic effect or impact on compliance costs for any specific businesses, sectors, public utility ratepayers, individuals, and local governments, or on the state economy as a whole.

- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);

There are no businesses directly affected by the proposed regulations



D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

The benefit of the proposed rule is the removal of a data point that would need to be tracked by school districts and reported to the Kansas State Board of Education. This results in lowering the burdens imposed on schools and removing the risk of a potential barrier to students graduating from high school. The non-economic cost of the proposed rule is the risk of students not receiving information on how to apply for financial assistance for post-secondary education. That risk will be addressed by the State Board in a different manner.

E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

There are no costs or impacts on business and economic development with the proposed regulations.

F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or individuals. *Note: Do not account for any actual or estimated cost savings that may be realized. Implementation and compliance costs determined shall be those additional costs reasonably expected to be incurred and shall be separately identified for the affected businesses, local governmental units, and individuals.*

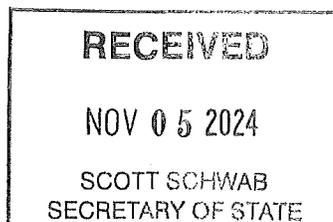
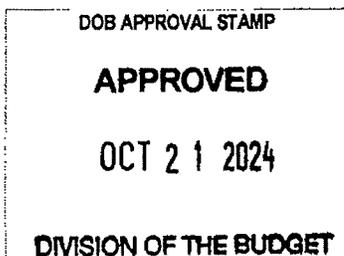
Costs to Affected Businesses – \$0
Costs to Local Governmental Units – \$0
Costs to Individuals – \$0
Total Annual Costs – \$0
(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

The Kansas State Department of Education compared the cost of implementing the proposed regulations to the cost of implementing the current accreditation regulations and found no changes in cost.

- Yes
 - No
 - Not Applicable
- If the total implementation and compliance costs exceed \$1.0 million or more in implementation and compliance costs over the initial five-year period following adoption of such rule(s) and regulation(s) that are reasonably expected to be incurred by or passed along to businesses, local governmental units and individuals as a result of the proposed rule and regulation, did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

If applicable, click here to enter public hearing information.



Proposed

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

There will be no changes so state revenue or expenditures for the implementation of the proposed regulations.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

There will be no immediate or long-range economic impact of the proposed regulation on any individual, small employer, or the general public other than improving a graduating student's changes of personal, social, education, and professional success.

G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

The proposed regulations neither increases or decreases the revenues of cities, counties or school districts, nor does it impose functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability.

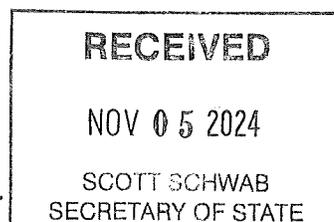
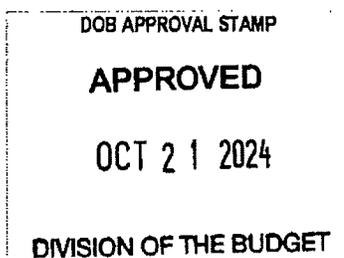
H. Describe how the agency consulted and solicited information from businesses, business associations, local governmental units, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s) or may provide relevant information.

Members of the Kansas State Board of Education, as well as the Commissioner of Education, received feedback from schools and from parents regarding the completion of an application for financial aid as a graduation requirement. There were enough concerns raised by the public that the State Board feels it is the wrong approach, which is why that requirement is now being removed.

Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- Yes If yes, complete the remainder of Section IV.
 No If no, skip the remainder of Section IV.



- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the individuals or entities who would bear the costs.
- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other individuals who will bear the costs.
- C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, the individuals or entities who will bear the costs and who will be affected by the failure to adopt the rule(s) and regulation(s).
- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

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