

HOUSE BILL No. 2496

By Committee on Appropriations

2-12

AN ACT enacting the Kansas opportunity scholarship research experiment act.

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

Section 1. This act shall be known and may be cited as the Kansas opportunity scholarship research experiment act. The purpose of this act is to provide for a research experiment structured to determine whether there is a positive, negative or neutral correlation between vouchers which provide availability of choice in the selection of schools and successful pupil learning. The experiment shall be conducted in the 2002-03 through 2005-06 school years in geographic areas selected by the researcher or team of researchers with whom the state board of education contracts for the purpose of designing and conducting the research experiment.

Sec. 2. As used in this act:

(a) "Scholarship child" means any child who: (1) Is a resident of this state; (2) is school age and enrolled in or eligible for enrollment in any of the grades three through six at an opportunity scholarship school; (3) is eligible for free meals under the national school lunch act; (4) was enrolled and in attendance at school in a school district during the school year immediately preceding the first school year for which application is made for an opportunity scholarship or was the recipient of an opportunity scholarship for the school year immediately preceding the current school year; (5) is representative of the demographics of pupils enrolled in this state, including exceptional children; and (6) is selected by lottery upon application for participation in the research experiment. The researcher or team of researchers shall establish the lottery procedure to be used for selecting scholarship children.

(b) "Control group of pupils" means a group of pupils who are: (1) Not scholarship children; (2) representative of the demographics of scholarship children; and (3) selected upon application for participation in the research experiment.

(c) "Parent" means and includes natural parents, adoptive parents, stepparents, foster parents and persons acting as parents.

(d) "Person acting as parent" means: (1) A guardian or conservator; or (2) a person, other than a parent, who is liable by law to maintain, care

1 for, or support the child, or who is liable by law to maintain, care for or
2 support the child, or who has actual care and control of the child and is
3 contributing the major portion of the cost of support of the child, or who
4 has actual care and control of the child with the written consent of a
5 person who has legal custody of the child, or who has been granted cus-
6 tody of the child by a court of competent jurisdiction.

7 (e) "Opportunity scholarship school" means: (1) Any public school
8 which is operated by a participating school district; and (2) any accredited
9 nonpublic school which is located in a geographic area selected by the
10 researcher or team of researchers for participation in the Kansas oppor-
11 tunity scholarship research experiment, operated by a board of education
12 or other governing authority that has elected to participate in the Kansas
13 opportunity scholarship research experiment, and maintaining a nation-
14 ally standardized assessment program selected by the researcher or team
15 of researchers.

16 (f) "Accredited" means accredited by any one or more of the follow-
17 ing: (1) The state board of education; (2) the north central accrediting
18 association; (3) the independent schools association of the southwest; (4)
19 the independent schools association of the central states; (5) the associ-
20 ation of Christian schools international; (6) the national Lutheran accred-
21 itation association; (7) the Seventh Day Adventist accreditation
22 association.

23 (g) "Participating school district" means a school district all or a part
24 of the territory of which is located in a geographic area selected by the
25 researcher or team of researchers for participation in the Kansas oppor-
26 tunity scholarship research experiment.

27 (h) "Opportunity scholarship" means, for a scholarship child who is
28 enrolling or enrolled in a participating school district that is the school
29 district of residence of the child, entitlement of the child to attend the
30 opportunity scholarship school chosen by the parent of the child, so long
31 as the chosen school is grade level appropriate for the child; for a schol-
32 arship child who is enrolling or enrolled in a participating school district
33 that is not the school district of residence of the child, entitlement of the
34 child to attend the opportunity scholarship school chosen by the parent
35 of the child, so long as the chosen school is grade level appropriate for
36 the child, without charge for attendance at the school; for a scholarship
37 child who is enrolling or enrolled in a nonpublic opportunity scholarship
38 school and who has not been determined to be an exceptional child, a
39 voucher in an amount equal to the amount of base state aid per pupil
40 determined for the current school year; for a scholarship child who is
41 enrolling or enrolled in a nonpublic opportunity scholarship school and
42 who has been determined to be an exceptional child, a voucher in an
43 amount equal to the amount of base state aid per pupil determined for

1 the current school year plus an amount equal to the cost of providing the
2 special education services specified under the individualized education
3 program developed for the child.

4 (i) "School district of residence" means the school district of resi-
5 dence of a scholarship child as determined under the provisions of K.S.A.
6 72-1046, and amendments thereto.

7 (j) "State board" means the state board of education.

8 Sec. 3. (a) In order to achieve the purpose of this act, the state board
9 shall select and enter into a contract with a researcher or team of re-
10 searchers who shall design and conduct a research experiment under
11 which the parent of a scholarship child, upon application of the parent
12 and selection of the child by the researcher or team of researchers, re-
13 ceives an opportunity scholarship from the state board in each school year
14 in which the experiment is maintained. Opportunity scholarships may be
15 redeemed by the parent of the child at a participating school district or
16 a nonpublic opportunity scholarship school. Opportunity scholarships re-
17 deemed at a participating school district shall entitle the child to attend-
18 ance at the public opportunity scholarship school selected by the child's
19 parent. Opportunity scholarships redeemed at a nonpublic opportunity
20 scholarship school selected by the child's parent shall be used for payment
21 of the costs of enrollment of the child at the school. Scholarship appli-
22 cations shall be on a form prescribed and furnished by the state board.
23 The application shall request such information as the researcher or team
24 of researchers deem necessary to determine scholarship eligibility and to
25 efficiently conduct the research experiment. The number of opportunity
26 scholarships awarded in any school year shall be determined by the re-
27 searcher or team of researchers. The number of opportunity scholarships
28 awarded shall not exceed the minimum number necessary to produce a
29 statistically valid sample for conducting the research experiment and such
30 members shall be determined by the state board upon consultation with
31 education experts.

32 (b) An application for an opportunity scholarship may be submitted
33 to the state board, to the the board of education of the school district in
34 which the scholarship child resides, or to the board of education of the
35 school district in which the opportunity scholarship school selected by the
36 scholarship child's parent for enrollment of the child is located. If an
37 application for a scholarship is submitted to the board of education of a
38 school district, the board of education shall transmit the application, im-
39 mediately upon receipt, to the state board. The state board shall compile
40 and submit the applications to the researcher or team of researchers.

41 (c) Opportunity scholarships received under this act shall be re-
42 deemed at a nonpublic opportunity scholarship school upon certification
43 by the school that a scholarship child is enrolled and in attendance. The

1 state board shall certify to the director of accounts and reports the amount
2 due the parent of the scholarship child. The director of accounts and
3 reports shall issue a warrant to the parent of the scholarship child and
4 shall cause the warrant to be delivered to the school in which the child
5 is enrolled. The parent of the scholarship child shall use the warrant for
6 payment of the costs of enrollment of the child. If the amount paid by
7 the state pursuant to the scholarship is in excess of the amount of the
8 costs of enrollment charged by an opportunity scholarship school, the
9 school shall pay the excess amount to the state board. The state board
10 shall remit any amounts so received to the state treasurer, and the state
11 treasurer shall deposit the same in the state treasury to the credit of the
12 Kansas opportunity scholarship research fund. If a scholarship child dis-
13 continues attendance at an opportunity scholarship school before the end
14 of the school year, the entire amount which the child would otherwise
15 qualify to have refunded, if any, up to the amount paid by the state pur-
16 suant to the scholarship redeemed by the parent of the child, shall be
17 paid by the school to the state board. The state board shall remit any
18 amounts so received to the state treasurer, and the state treasurer shall
19 deposit the same in the state treasury to the credit of the Kansas oppor-
20 tunity scholarship research fund.

21 (d) The amount of an opportunity scholarship redeemed under this
22 act at a nonpublic opportunity scholarship school shall not be considered
23 gross income and shall not be taxable for Kansas income tax purposes.

24 Sec. 4. There is established in the state treasury the Kansas oppor-
25 tunity scholarship research fund. The fund shall consist of all amounts
26 credited thereto under the provisions of subsection (c) of section 3, and
27 amendments thereto. In addition to the foregoing amounts, the fund shall
28 consist of an amount which shall be determined by the state board by
29 computing the amount of state financial aid determined for the current
30 school year that would be attributable to enrollment of scholarship chil-
31 dren who are enrolled in nonpublic opportunity schools if such children
32 were enrolled in the school district of residence of the children and sub-
33 tract from the amount so determined an amount equal to the amount
34 paid pursuant to opportunity scholarships redeemed at such nonpublic
35 opportunity schools. The state board shall certify to the director of ac-
36 counts and reports the amount of the remainder and the director of ac-
37 counts and reports shall transfer such amount from the state general fund
38 to the Kansas opportunity scholarship research fund. Amounts in the Kan-
39 sas opportunity research fund shall be used exclusively for the payment,
40 in whole or in part, of expenses attributable to the Kansas opportunity
41 scholarship research experiment.

42 Sec. 5. (a) An opportunity scholarship school shall admit scholarship
43 children who have received scholarships and who apply for admission, up

1 to the limit of the school's capacity after reserving places for children
2 required or regularly entitled to be admitted to the school.

3 (b) A nonpublic opportunity scholarship school shall establish criteria
4 for the admission of scholarship children. Such criteria shall be consistent
5 with the admissions criteria that the school regularly applies.

6 (c) A nonpublic opportunity scholarship school shall provide assur-
7 ance to the state board that the amount of the costs of enrollment charged
8 a scholarship child will not be greater than the amount of the costs of
9 enrollment regularly charged by the school.

10 (d) A nonpublic opportunity scholarship school shall make available
11 to the researcher or team of researchers information regarding the
12 school's program of instruction, achievement data regarding children at-
13 tending the school (which data shall be stated in the aggregate by grades
14 maintained by the school), and school discipline and safety.

15 (e) Prior to the commencement of school in each school year in which
16 the opportunity scholarship research experiment is maintained, each non-
17 public opportunity scholarship school shall certify to the state board the
18 amount of the costs of enrollment to be charged in such school year.

19 Sec. 6. (a) Prior to the commencement of each school year in which
20 the opportunity scholarship research experiment is maintained, the state
21 board shall prepare and publish in the geographic areas selected for par-
22 ticipation in the opportunity scholarship research experiment information
23 regarding the experiment, the procedure to be followed by parents in
24 applying for opportunity scholarships for their children, and a list of all
25 opportunity scholarship schools. Such information and list shall be main-
26 tained on file at the state department of education and shall be made
27 available to members of the public upon request.

28 (b) The researcher or team of researchers shall: (1) Select a nationally
29 standardized assessment program under which scholarship children and
30 the control group of pupils shall be tested at the inception of the research
31 experiment and at the conclusion of each school year in which the re-
32 search experiment is maintained; (2) evaluate and compare the results
33 obtained from administration of the tests; and (3) monitor the academic
34 performance of scholarship children and the control group of pupils.

35 Sec. 7. Upon completion of the 2005-06 school year, the researcher
36 or team of researchers shall evaluate the research experiment conducted
37 under the Kansas opportunity scholarship research experiment act, collect
38 data on the academic achievement of scholarship children and the control
39 group of pupils, assess the impact the research experiment has had on
40 academic learning by scholarship children in comparison with academic
41 learning by the control group of pupils, and make a final report to the
42 governor, the legislature and the state board with regard to the positive,
43 negative or neutral correlation between vouchers and successful pupil

1 learning.

2 Sec. 8. This act shall take effect and be in force from and after its
3 publication in the statute book.

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