

SENATE BILL No. 563

By Committee on Ways and Means

5-5

9 AN ACT concerning schools and school districts; providing scholarships
10 to private schools for certain students.

11

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

13 Section 1. (a) This act shall be known and may be cited as the schol-
14 arships for exceptional children act.

15 (b) The purpose of this act is to establish a program under which an
16 exceptional child is provided the option to attend a public school of choice
17 or to provide such student a scholarship to a private school of choice.

18 Sec. 2. As used in this act:

19 (a) Words and phrases shall have the meanings ascribed thereto by
20 K.S.A. 72-962, and amendments thereto.

21 (b) "Student" means a student who is an exceptional child.

22 (c) "Scholarship" means an award of money awarded pursuant to this
23 act.

24 (d) "Private school" means a nonpublic school that meets the require-
25 ments of section 5, and amendments thereto.

26 Sec. 3. (a) The parent of a student enrolled in a public school may
27 request that the student either be transferred to another public school in
28 the district or another district or may enroll the student in a private school
29 and request that a scholarship be awarded to the student as provided by
30 this act.

31 (b) A scholarship may be awarded pursuant to this act if:

32 (1) The student was enrolled in and attended a Kansas public school
33 during the preceding school year;

34 (2) the student has been accepted for admission to a private school;
35 and

36 (3) the student's parent has notified the school district of the request
37 for a scholarship at least 60 days prior to the date of the first scholarship
38 payment. The parental notification must be given through a communi-
39 cation directly to the district or through the department to the district in
40 a manner that creates a written or electronic record of the notification
41 and the date of receipt of the notification.

42 (c) This section does not apply to a student who is enrolled in a school
43 operating for the purpose of providing educational services to a student

1 at a juvenile detention facility.

2 (d) For purposes of continuity of educational choice, once awarded
3 a scholarship shall remain in force until the student returns to a public
4 school or graduates from high school. However, at any time, the student's
5 parent may remove the student from the private school and place the
6 student in another private school that is eligible for the program or in a
7 public school as provided by this act.

8 Sec. 4. (a) A school district shall notify the parents of a student of all
9 school options available under this act. A parent shall not be required to
10 enroll the student to another public school prior to requesting a schol-
11 arship to a private school. However, if the parent chooses to enroll the
12 student in another public school, the student may continue attending a
13 public school chosen by the parent until the student graduates from high
14 school. The school district may provide transportation to the public school
15 selected by the parent.

16 (b) A school district shall notify the department within 10 days after
17 it receives notification of a parent's intent to apply for a scholarship pur-
18 suant to this act. After receiving notification that the parent is seeking to
19 participate in the scholarship program, the school district shall provide
20 an estimate of the amount of the cost of educating such student. The
21 district shall notify the department of such estimated cost. The depart-
22 ment shall notify the private school of the amount of the scholarship
23 within 10 days after receiving the school district's estimation of cost.
24 Within 10 school days after it receives notification of a parent's intent to
25 apply for a scholarship, the school board shall notify the student's parent
26 if the estimated cost of educating the student has not been completed
27 and provide the parent with the date for completion.

28 (c) If the parent chooses to enroll the student in a private school and
29 the student is accepted by the private school pending the availability of a
30 space for the student, the parent shall notify the school district at least
31 60 days prior to the first scholarship payment and before entering the
32 private school in order to be eligible for the scholarship when a space
33 becomes available for the student in the private school.

34 (d) If the parent of a student chooses to enroll the student in a public
35 school in an adjacent school district which has available space and a pro-
36 gram with the services agreed to in the student's individual education
37 plan, such school district shall accept the student.

38 Sec. 5. A private school shall be eligible to participate in the schol-
39 arship program if such school:

40 (a) Demonstrates fiscal soundness by being in operation for one
41 school year or provide the department with a statement by a certified
42 public accountant confirming that the school is insured and the owner or
43 owners have sufficient capital or credit to operate the school for the up-

1 coming year serving the number of students anticipated with expected
2 revenues from tuition and other sources that may be reasonably expected.
3 In lieu of such a statement, a surety bond or letter of credit for the amount
4 equal to the scholarship funds for any quarter may be filed with the
5 department.

6 (b) Notifies the department of its intent to participate in the program.
7 The notice must specify the grade levels and services that the private
8 school has available for students.

9 (c) Complies with federal and state anti-discrimination laws.

10 (d) Meets state and local health and safety laws and codes.

11 (e) Is academically accountable to the parent for meeting the edu-
12 cational needs of the student.

13 (f) Employs or contracts with teachers who hold baccalaureate or
14 higher degrees, or have at least 3 years of teaching experience in public
15 or private schools, or have special skills, knowledge, or expertise that
16 qualifies them to provide instruction in subjects taught.

17 (g) Complies with all state laws relating to general regulation of pri-
18 vate schools.

19 (h) Adheres to the tenets of its published disciplinary procedures
20 prior to the expulsion of a scholarship student.

21 Sec. 6. (a) A parent who applies for a scholarship is exercising such
22 parent's parental option to place such parent's student in a private school.
23 The parent shall select the private school and apply for the admission of
24 the student.

25 (b) The parent must have requested the scholarship at least 60 days
26 prior to the date of the first scholarship payment.

27 (c) Any student participating in the scholarship program shall remain
28 in attendance at the private school throughout the school year, unless
29 excused by the school for illness or other good cause, and shall comply
30 fully with the school's code of conduct.

31 (d) The parent of each student participating in the scholarship pro-
32 gram shall comply fully with the private school's parental involvement
33 requirements, unless excused by the school for illness or other good cause.

34 (e) Upon receipt of a scholarship warrant, the parent to whom the
35 warrant is made shall restrictively endorse the warrant to the private
36 school for deposit into the account of the private school.

37 (f) A participant who fails to comply with this subsection shall forfeit
38 the scholarship.

39 Sec. 7. (a) The maximum scholarship granted for a student shall be
40 a calculated amount equivalent to the base state aid per pupil student
41 allocation under the school district finance and quality performance act
42 multiplied by the appropriate weighting factors that would have been
43 applied for the student, plus any moneys attributable to such student

1 under K.S.A. 72-983, and amendments thereto.

2 (b) The amount of the scholarship shall be the calculated amount or
3 the amount of the private school's tuition and fees, whichever is less. The
4 amount of any assessment fee required by the participating private school
5 may be paid from the total amount of the scholarship.

6 (c) If the participating private school requires partial payment of tu-
7 tion prior to the start of the academic year to reserve space for students
8 admitted to the school, that partial payment may be paid by the depart-
9 ment prior to the first quarterly payment of the year in which scholarship
10 is awarded, up to a maximum of \$1,000, and deducted from subsequent
11 scholarship payments. If a student decides not to attend the private
12 school, the partial reservation payment shall be returned to the depart-
13 ment by the private school. No more than one reservation payment per
14 student per year shall be paid.

15 (d) The school district shall report all students who are attending a
16 private school under this program. Students attending private schools on
17 scholarships shall be reported separately from other students reported for
18 purposes of the school district finance and quality performance act.

19 (e) Following notification on July 1, September 1, December 1 or
20 February 1 of the number of program participants, the department shall
21 transfer, from state aid payments only, the amount calculated under par-
22 agraph (b) from the school district's total funding entitlement under the
23 school district finance and quality performance act and from authorized
24 categorical accounts to a separate account for the scholarship program
25 for quarterly disbursement to the parents of participating students. When
26 a student enters the scholarship program, the department shall receive
27 all documentation required for the student's participation, including the
28 private school's and student's fee schedules, at least 30 days before the
29 first quarterly scholarship payment is made for the student. The depart-
30 ment shall not make any retroactive payments.

31 (f) Upon proper documentation reviewed and approved by the de-
32 partment, the department shall certify to the director of accounts and
33 reports the amounts of such scholarships. Following receipt of such cer-
34 tification, the director shall make scholarship payments in four equal
35 amounts no later than September 1, November 1, February 1 and April
36 15 of each school year in which the scholarship is in force. The initial
37 payment shall be made after the department makes verification of ad-
38 mission of the student. Subsequent payments shall be made upon veri-
39 fication of continued enrollment and attendance at the private school.
40 Payment shall be by individual warrant made payable to the student's
41 parent and sent by the director to the private school of the parent's choice,
42 and the parent shall restrictively endorse the warrant to the private school
43 for deposit into the account of the private school.

1 Sec. 8. (a) The state board may adopt rules and regulations necessary
2 to implement the provisions of this act.

3 (b) The provisions of this act shall not be construed to expand the
4 regulatory authority of the state, its officers or any school district to im-
5 pose any additional regulation of private schools beyond those reasonably
6 necessary to enforce requirements of this act.

7 Sec. 9. This act shall take effect and be in force from and after its
8 publication in the statute book.