

HOUSE BILL No. 2369

By Representatives Vickrey and George and Garcia, Kiegerl,
Judy Morrison, Myers, Otto, Pauls, Roth, Ruff and Siegfried

2-2

10 AN ACT concerning school districts; creating the autism scholarship pro-
11 gram; relating to the administration thereof.

12

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

14 Section 1. This act shall be known and may be cited as the autism
15 scholarship program.

16 Sec. 2. The purpose of this act is to provide students with autism
17 with the option to attend the public or nonpublic school of their choice.

18 Sec. 3. As used in this act:

19 (a) "Program" means the autism scholarship program.

20 (b) "Eligible student" means any elementary or secondary student
21 who: (1) Is between the ages of 3 and 21, inclusive; (2) has been diagnosed
22 with autism in any of the categories of autism as defined by the individual
23 with disabilities; (3) is attending public school; (4) has a current multi-
24 factored evaluation (MFE); and (5) has an agreed upon individual edu-
25 cation plan (IEP) written by the resident school district.

26 (c) "Parent" has the meaning ascribed thereto in K.S.A. 72-962, and
27 amendments thereto.

28 (d) "Resident school district" means the school district in which the
29 student resides.

30 (e) "Department" means the state department of education.

31 (f) "Participating school" means either a public school outside of the
32 resident school district or any nonpublic school that: (1) Provides edu-
33 cation to elementary and secondary students; (2) has notified the depart-
34 ment of their intention to participate in the program; and (3) complies
35 with the requirements of the program.

36 (g) "State financial aid" has the meaning ascribed thereto by K.S.A.
37 72-6410, and amendments thereto.

38 Sec. 4. (a) Any parent of a eligible student who is dissatisfied with
39 the student's progress shall qualify for a scholarship from the state for
40 the child to enroll in and attend a nonpublic school if:

41 (1) The student has had an individual education plan prepared in
42 accordance with the rules and regulations of the department;

43 (2) the student has been accepted for admission at a participating

1 school; and

2 (3) the parent has requested a scholarship from the state before the
3 deadline established by the department.

4 (b) The department shall notify the resident school district that an
5 eligible student has requested an autism scholarship. Within three busi-
6 ness days of receipt of such notice, the resident school district shall pro-
7 vide the department with a copy of the student's most current individual
8 education plan.

9 (c) Upon receipt of the qualified student's request for a scholarship,
10 the department shall review the individual education plan prepared by
11 the student's public school to determine the amount of the scholarship.
12 The department shall provide the student's parent with a timely written
13 explanation of the department's determination for the amount of the
14 scholarship.

15 (d) The maximum amount of a scholarship awarded to an eligible
16 student shall be an amount equivalent to the cost of the educational pro-
17 gram that would have been provided to the student in the resident school
18 district. Although the scholarship amount is a function of a student's in-
19 dividual education plan, the participating school is not required to abide
20 by the individual education plan. The parent and the participating school
21 mutually will determine the best services and educational plan for the
22 student.

23 (e) The amount of the scholarship shall be the lesser of the amount
24 calculated pursuant to subsection (d) or the amount of the participating
25 school's estimated costs for serving the student. The costs of any assess-
26 ment by the participating school of the student's special needs may be
27 included in the scholarship amount.

28 (f) The autism scholarship shall remain in force until the student re-
29 turns to a public school, graduates from high school or reaches the age
30 of 21, whichever comes first.

31 (g) At any time, the student's parent may remove the student from
32 the participating school and place the student in another participating
33 school or in a public school.

34 Sec. 5. (a) A resident school district annually shall notify the parents
35 or guardians of a student with autism of the autism scholarship program
36 and offer that student's parents or guardians an opportunity to enroll the
37 student in a participating school of their choice.

38 (b) The resident school district shall provide a participating school
39 that has admitted an eligible student with a complete copy of the student's
40 school records while complying with the family educational rights and
41 privacy act of 1974 (20 USC 1232g).

42 (c) The resident school district shall provide transportation for an
43 eligible student to and from the participating school in the same manner

1 as the resident school district is required by law to provide transportation
2 for other resident students to nonpublic schools. The resident school dis-
3 trict shall qualify for state transportation aid for each student so
4 transported.

5 (d) If the parent of an eligible student participating in this program
6 requests that the student take the state assessments, the resident school
7 district shall provide locations and times for the student to take all state
8 assessments if the assessments are not offered at the student's partici-
9 pating school.

10 Sec. 6. (a) The department shall adopt any rules and procedures re-
11 lating to the following:

12 (1) The eligibility and participation of nonpublic schools, including
13 timelines that will maximize student and public and nonpublic school
14 participation.

15 (2) The calculation and distribution of scholarships to eligible stu-
16 dents and participating schools.

17 (3) The application and approval procedures for eligible students and
18 participating schools.

19 (b) No liability shall arise on the part of the department or the state
20 based on the award or use of an autism scholarship.

21 (c) The department may bar a school from participation in the pro-
22 gram if the department establishes that the participating school has:

23 (1) Intentionally and substantially misrepresented information re-
24 quired under section 7, and amendments thereto.

25 (2) Failed to refund to the state any scholarship overpayments in a
26 timely manner.

27 (d) If the department decides to bar a participating school from the
28 program, it shall notify eligible students and their parents or guardians of
29 this decision as quickly as possible.

30 Sec. 7. (a) To be eligible to participate in the autism scholarship pro-
31 gram, a nonpublic school must:

32 (1) Operate in this state.

33 (2) Demonstrate administrative accountability.

34 (3) Ensure that students are treated fairly and kept safe.

35 (4) Comply with all health and safety laws that apply to nonpublic
36 schools.

37 (5) Hold a valid occupancy permit, if required.

38 (6) Certify that the school will not discriminate in admissions on the
39 basis of race, color, national origin or religion.

40 (7) Comply with all state laws that apply to nonpublic schools re-
41 garding criminal background checks for employees and exclude from em-
42 ployment any people not permitted by state law to work in a nonpublic
43 school.

1 (8) Demonstrate financial accountability.

2 (9) Submit a financial information report for the school that complies
3 with uniform financial accounting standards established by the depart-
4 ment and conducted by a certified public accountant and certified that
5 the report is free of material misstatements. The accountant's report shall
6 be limited in scope to those records that are necessary for the department
7 to make payments to schools for scholarships.

8 (10) Demonstrate financial viability by showing that the school can
9 pay any funds owed the state, if they are to receive \$50,000 or more
10 during the school year.

11 (11) File with the department prior to the start of the school year a
12 surety bond payable to the state in an amount equal to the aggregate
13 amount of the autism scholarships expected to be paid during the school
14 year to students admitted to the participating school; or prior to the start
15 of the school year, file with the department financial information that
16 demonstrates the school has the ability to pay an aggregate amount equal
17 to the amount of the autism scholarships expected to be paid during the
18 school year to students admitted to the participating school.

19 (12) Provide regular reports of the student's progress to the parents
20 or guardians of the student.

21 (b) A participating school is autonomous and shall not be deemed to
22 be an agent of the state or federal government. The department and any
23 other state agency may not in any way regulate the educational program
24 of a participating school that accepts an autism scholarship. The creation
25 of the autism scholarship program does not expand the regulatory au-
26 thority of the state, its officers or any school district to impose any addi-
27 tional regulation of nonpublic schools beyond those reasonably necessary
28 to enforce the requirements of the program.

29 (c) Participating schools shall be given the maximum freedom to pro-
30 vide for the educational needs of their students without governmental
31 control.

32 Sec. 8. (a) It shall be the responsibility of a parent to select their
33 child's school, apply for admission and apply for an autism scholarship.

34 (b) Except as provided by this subsection, any student participating
35 in the program shall comply fully with a participating school's written
36 code of conduct and shall remain in attendance throughout the school
37 year, unless excused by the school for illness or other good cause. A parent
38 may transfer an eligible student to another participating school at any
39 time. The scholarship amount shall be prorated between participating
40 schools according to the period of attendance at each school.

41 (c) A parent's decision for their student to participate in the program
42 constitutes a nonpublic placement for purposes of the individuals with
43 disabilities education act.

1 Sec. 9. Subject to the limitations of appropriations therefor, the au-
2 tism scholarship program shall be in effect beginning with the fall se-
3 mester of school year 2007-2008.
4 Sec. 10. This act shall take effect and be in force from and after its
5 publication in the statute book.