

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2164** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed as Senate Substitute for House Bill No. 2164, as follows:

On page 1, by striking all in lines 8 through 36;

By striking all on pages 2 through 6;

On page 7, by striking all in lines 1 through 34; following line 34 by inserting:

"New Section 1. (a) Beginning in school year 2027-2028, and each school year thereafter, no school that participates in a food service program, school lunch program or school breakfast program shall serve as part of a reimbursable meal or a free or reduced-price meal any food that contains the following food additives:

- (1) Brominated vegetable oil, BVO;
- (2) potassium bromate;
- (3) propylparaben;
- (4) azodicarbonamide;
- (5) titanium dioxide;
- (6) FD&C red 3;
- (7) FD&C red 40;
- (8) FD&C yellow 5;
- (9) FD&C yellow 6;
- (10) FD&C blue 1;
- (11) FD&C blue 2; or

(12) FD&C green 3.

(b) (1) During the inspection required by K.S.A. 65-688, and amendments thereto, of a school facility, the school shall certify that such facility does not serve food that contains any food additive listed in subsection (a) as part of a reimbursable meal or a free or reduced-price meal.

(2) Beginning in school year 2028-2029, and each school year thereafter:

(A) If a school cannot certify that a school facility meets the requirements of subsection (a), such school shall submit a corrective action plan to the secretary within 30 days of such inspection. The school shall post the official notice of the violation and the corrective action plan on the school's website for one year from the date of the inspection or an order from the secretary pursuant to this act, whichever is later; and

(B) if a school incorrectly certifies that a school facility meets the requirements of subsection (a), then such school shall comply with the requirements of subparagraph (A) and notify the parent or guardian of each student enrolled in and attending such school of the violation.

(3) For purposes of making the certification required by paragraph (1), a school may reasonably rely on written representations, labels, specifications or certifications from a food manufacturer or supplier that the food does not contain any food additive listed in subsection (a). Such reliance shall be deemed sufficient to establish compliance for certification purposes unless the school has actual knowledge that such representation is false or misleading.

(c) As used in this section:

(1) "Food service program" means the same as defined in K.S.A. 72-17,132, and amendments thereto.

(2) "School" means each school district and nonpublic school in the state that offers any of the grades kindergarten through 12.

(3) "School breakfast program" means the same as defined in K.S.A. 72-17,145, and amendments thereto.

(4) "School lunch program" means the same as defined in K.S.A. 72-17,132, and amendments thereto.

(d) This section shall be a part of and supplemental to the Kansas food, drug and cosmetic act.

New Sec. 2. (a) Beginning in school year 2027-2028, for each school day that exceeds five hours in duration, each school district shall provide a minimum of 30 minutes of daily organized recess within the school day for all students in elementary grades as designated by the school district, except that elementary grades shall not include any grade higher than grade five. Any such recess may be supervised by licensed or unlicensed school personnel.

(b) Recess shall not be limited or withheld for disciplinary reasons unless such student is an immediate threat to self or others.

(c) As used in this section, "recess" means the regularly scheduled time during the school day when students may engage in supervised unstructured play, physical activity or social interaction with other students. "Recess" does not include time in physical education class.

New Sec. 3. (a) The state board of education shall establish a Kansas state physical fitness test that is aligned with the presidential physical fitness test to assess the overall fitness of students in grades one through 12 after the standards for the presidential physical fitness test are published. The state board shall update the test as often as required to maintain alignment with the presidential physical fitness test. The state board shall provide an award for students who meet or exceed the state's 50th percentile and an award for students who meet or exceed the state's 85th percentile on one or more test events.

(b) Beginning in school year 2026-2027, each school district shall annually administer the Kansas state physical fitness test to each student enrolled in grades one through 12. This

requirement shall not apply to any student who is a child with a disability, as defined in K.S.A. 72-3404, and amendments thereto, or has a medical exemption as determined by a licensed physician.

Sec. 4. On and after July 1, 2027, K.S.A. 72-3115 is hereby amended to read as follows: 72-3115. (a) Subject to the other provisions of this section, a school term during which public school shall be maintained in each school year by each school district organized under the laws of this state shall consist of not less than 186 school days for ~~pupils~~ students attending kindergarten or any of the grades one through 11 and not less than 181 school days for ~~pupils~~ students attending grade 12.

(b) Subject to a policy developed and adopted by the board of any school district, the board may provide for a school term consisting of school hours. A school term provided for in a policy adopted under this subsection shall consist of: (1) For ~~pupils~~ students attending kindergarten, not less than 465 school hours in each school year; and (2) for ~~pupils~~ students attending any of the grades one through 11, not less than 1,116 school hours in each school year; and (3) for ~~pupils~~ students attending grade 12, not less than 1,086 school hours in each school year. Each board of education ~~which~~ that develops and adopts a policy providing for a school term in accordance with this subsection shall notify the state board of education thereof on or before September 15 in each school year for which the policy is to be in effect.

(c) Subject to a plan developed and adopted by the board of any school district, the board may schedule the school days required for a school term provided for under subsection (a), or the school hours required for a school term provided for in a policy adopted under subsection (b), on a trimestral or quarterly basis. Each board of education ~~which~~ that develops and adopts a plan providing for the scheduling of the school days or school hours of the school term on a trimestral or quarterly basis shall submit the plan to the state board of education for approval prior to implementation. The plan shall be prepared in such form and manner as the state board

~~shall require~~ requires and ~~shall be~~ submitted at a time or times ~~to be~~ determined and specified by the state board.

(d) Subject to a policy developed and adopted by the board of any district as an adjunct to the district's disciplinary policy or as a part of the district's school improvement plan, the board may schedule school days in addition to the school days scheduled for a school term provided for under subsection (a), or school hours in addition to the school hours scheduled for a school term provided for in a policy adopted under subsection (b), or both such additional school days and school hours for ~~pupils~~ students who are in need of remedial education or ~~who are~~ subject to disciplinary measures imposed under the district's disciplinary policy. Any school day or school hour scheduled for a ~~pupil~~ student under a policy adopted under this subsection may be scheduled on weekends, before or after regular school hours, and during the summer months. Inexcusable absence from school on any school day or during any school hour by any ~~pupil~~ student for whom additional school days or school hours have been scheduled under a policy adopted under this subsection shall be counted as an inexcusable absence from school for the purposes of K.S.A. 72-3121, and amendments thereto.

(e) If the board of any school district, or its designee, shall determine that inclement weather will cause hazardous driving conditions, the board, or its designee, may close any or all of the schools within the district. The amount of time ~~pupils~~ students have been in attendance when such determination is made shall be considered a school day of a school term or shall be considered the number of school hours for ~~pupils~~ students to be in attendance at school in a day, whichever is applicable. Consonant with the other provisions of this section, a board may schedule any number of days or hours in excess of the regularly scheduled school days or school hours ~~which~~ that the board determines will be necessary to compensate for those school days or school hours that schools of the district will remain closed during the school term due to hazardous driving conditions. If the number of days or hours schools remain closed due to

hazardous driving conditions exceeds the number of days or hours scheduled by the board to compensate for such school days or school hours, the excess number of days or hours, not to exceed whichever is the lesser of: (1) The number of compensatory days or hours scheduled by the board; or (2) five days or the number of school hours regularly scheduled in five days, that schools remain closed due to such conditions shall be considered school days or school hours.

(f) The state board of education may waive the requirements of law relating to the duration of the school term upon application for ~~such a~~ waiver by a school district pursuant to subsection (e). Such waiver may be granted by the state board of education upon: (1) Certification by a board that, due to the persistence of inclement weather, hazardous driving conditions have existed in the school district for an inordinate period of time; and (2) a determination by the state board that the school district cannot reasonably adjust its schedule to comply with statutory requirements. Such waiver shall not exempt a school district from providing a school offering for each ~~pupil which~~ student that is substantially equivalent to that required by law.

(g) Time reserved for parent-teacher conferences for discussions on the progress of ~~pupils~~ students may be considered part of the school term.

(h) Time reserved for staff development or inservice training programs for the purpose of improving staff skills, developing competency in new or highly specialized fields, improving instructional techniques, or curriculum planning and study may be considered part of the school term for an aggregate amount of time equal to the amount of time in excess of the school term ~~which is~~ scheduled by a board of education for similar activities.

(i) The time provided for organized recess not to exceed one hour per school day shall be considered part of the school term.

(j) Boards of education may employ noncertificated personnel to supervise ~~pupils~~ students for noninstructional activities."

Also on page 7, in line 35, before "K.S.A." by inserting "On and after July 1, 2027,"; also in line 35, by striking "22-4901 and 22-4902 are" and inserting "72-3115 is";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in lines 2 and 3; in line 4, by striking all before the semicolon and inserting "education; relating to elementary and secondary schools; prohibiting certain additives in food provided by schools as part of certain food programs; requiring schools to certify that school facilities do not serve food that contains such food additives; requiring school districts to provide a certain amount of daily recess time for students; prohibiting limiting or withholding recess for disciplinary reasons; requiring the establishment and administration of a Kansas state fitness test; designating up to one hour of recess time as part of the school term"; also in line 4, by striking "22-4901 and 22-4902" and inserting "72-3115"; in line 5, by striking "sections" and inserting "section";

And your committee on conference recommends the adoption of this report.

Conferees on part of Senate

Conferees on part of House