

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE BILL NO. 114**

As Agreed to March 25, 2025

Brief*

SB 114 would authorize non-public school students and virtual school students participating in a school activity governed by the Kansas State High School Activities Association (KSHSAA) to also participate in certain ancillary school district activities.

The bill would be in effect upon publication in the *Kansas Register*.

Participation in KSHSAA Activities

Current law allows for non-public school and virtual students who meet the requirements of law to participate in activities that are regulated, supervised, promoted, and developed by the KSHSAA. The bill would amend this law to require participating students to also be permitted to participate in any district-sponsored events, ceremonies, programs, or other functions directly related to the activity. The bill would allow each school district board of education to adopt policies regarding the participation of those students in district-sponsored events, ceremonies, programs, or other functions that are not directly related to the activity.

The bill would deem any student who withdraws from a school district and subsequently enrolls in an accredited private school, a non-public elementary or secondary school, or a virtual school to be ineligible for full participation in any activities offered by the school district for a period subject to KSHSAA rules immediately following the student's withdrawal, unless the student was eligible and participating in the activities at the school from which the student withdrew on the date of withdrawal. Such student could be permitted limited participation in any qualifying activities, in accordance with the eligibility policies of the school district and KSHSAA.

The bill would also provide a student participating in a KSHSAA activity in this manner to be entitled to all rights and subject to all responsibilities of any other participating student except as otherwise provided for in law, regardless of the student's enrollment status.

The bill would deem it unlawful for any school district or the KSHSAA to discriminate against any student who meets the requirements of the law based upon the student's enrollment status.

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <https://klrd.gov/>

Eligibility Requirements

The bill would amend the eligibility requirements so that a student who meets the following requirements could participate in KSHSAA-regulated activities in the school district in which the Kansas Academy of Mathematics and Science (KAMS) is located:

- Be enrolled in KAMS;
- Comply with requirements established in law;
- Meet applicable age and eligibility requirements set forth by KSHSAA; and
- Pay any fees required by the school district on all students participating in the activity.

Conference Committee Action

The Conference Committee agreed to the provisions of SB 114, as amended by the House Committee on Education. The Conference Committee agreed to further amend the bill to change the duration of certain student ineligibility from specifying a nine-week period to instead specify that the duration be subject to KSHSAA rules.

Background

The bill was introduced by the Senate Committee on Education at the request of Senator Erickson.

Senate Committee on Education

In the Senate Committee hearing, **proponent** testimony was provided by a representative of the Kriegshauser/Ney Law Group and two private citizens. The proponents spoke about their experience of being restricted by the school district in which they participated in sports activities from lettering or participating in award and honor ceremonies. The proponents generally stated that the bill would help ensure virtual and non-public students who participate in public school KSHSAA activities are able to participate fully, regardless of their enrollment status.

Written-only proponent testimony was provided by a representative of Kansas Family Voice.

Neutral testimony was provided by a representative of KSHSAA. The conferee stated that the process for addressing the concerns brought by the proponents should involve discussion with the school coach and administration first, and then, if not resolved, discussion with KSHSAA, as it expects its members to treat non-enrolled students like all other team members. As such, the conferee stated they believe the bill is redundant and unnecessary.

No other testimony was provided.

The Senate Committee amended the bill to add students attending KAMS to the eligibility requirements found in the bill. [*Note: The Conference Committee retained this amendment.*]

House Committee on Education

In the House Committee hearing, **proponent** testimony was provided by a representative of Kriegshauser/Ney Law group and his clients and two KAMS students. The testimony echoed testimony given in the Senate Committee hearing, and the KAMS students requested immediate enactment of the bill to allow for participation this school year.

Written-only proponent testimony was provided by representatives of Kansas Family Voice and Thomas More Prep-Marian Junior and Senior High School.

Opponent testimony was provided by a representative of KSHSAA, who previously provided neutral testimony before the Senate Committee but discussed their opposition to the KAMS provision of the amended bill. The conferee stated that the provision would create an unfair advantage for Hays High School.

No other testimony was provided.

The House Committee amended the bill to:

- Change the effective date to upon publication in the *Kansas Register*; [*Note*: The Conference Committee retained this amendment.]
- Require qualifying students be permitted to participate in any district-sponsored events, ceremonies, programs, or other functions directly related to the activity; [*Note*: The Conference Committee retained this amendment.]
- Permit each school district board of education to adopt policies regarding qualifying students participating in district-sponsored events, ceremonies, programs, or other functions that are not directly related to the KSHSAA activity; [*Note*: The Conference Committee retained this amendment.] and
- Provide that students who withdraw from a school district and enroll in a non-public school would be ineligible for full participation in any activities for nine weeks following withdrawal, unless the student was participating in activities at the school from which they withdrew and was eligible for full participation on the date of withdrawal.
 - Such student may be permitted limited participation in any qualifying activities, in accordance with the eligibility policies of the school district and KSHSAA.

[*Note*: The Conference Committee retained this amendment with the modification that, instead of specifying a nine-week ineligibility, the duration of the student's ineligibility would be subject to KSHSAA rules.]

The House Committee reconsidered a motion to adopt an amendment specifying that outside students may participate in KSHSAA activities if the activities are not offered by the school the student primarily attends and requiring homeschool students to demonstrate passage of five units of study in the preceding semester. The House Committee removed the amendment and recommended the bill be passed as amended. [*Note*: The Conference Committee Report does not include the reconsidered amendment.]

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, enactment of the bill would have no fiscal effect on state aid to school districts or state expenditures.

The Kansas Association of School Boards indicates that enactment of the bill could marginally increase costs on school district activity programs; however, any fiscal effect would depend upon the number of additional participating students.

Education; K-12; nonpublic school students; ancillary school district activities; Kansas State High School Activities Association

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