

**HOUSE BILL No. 2263**

By Committee on Education

2-7

Proposed Amendments for HB 2263  
For Committee on Education

February 25, 2013

**Re: Removing subsection (c) of section 8 with  
further amendment**

Prepared by: Eunice Peters  
Office of Revisor of Statutes

1 AN ACT concerning school districts; enacting the school district special  
2 needs scholarship program act.

3  
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. The provisions of sections 1 through 10, and amendments  
6 thereto, shall be known and may be cited as the school district special  
7 needs scholarship program act.

8 Sec. 2. The purpose of the school district special needs scholarship  
9 program act is to provide special needs students with the option to attend  
10 the public or nonpublic school of their choice.

11 Sec. 3. As used in the school district special needs scholarship  
12 program act:

13 (a) "Program" means the school district special needs scholarship  
14 program.

15 (b) "Eligible student" means any elementary or secondary student  
16 attending public school with an individualized education program,  
17 including, but not limited to, students with intellectual disability, speech  
18 and language impairment, deaf or hard of hearing impairment, visual  
19 impairment, dual sensory impairment, physical impairment, emotional  
20 impairment, specific learning disability, autism, or students who are  
21 hospitalized or homebound due to illness or disability.

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

24 (d) "Resident school district" means the school district in which the  
25 student resides.

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

27 (f) "Participating school" means either a public school outside of the  
28 resident school district or any nonpublic school that: (1) Provides  
29 education to elementary and secondary students; (2) has notified the  
30 department of their intention to participate in the program; and (3)  
31 complies with the requirements of the program.

32 (g) "State financial aid" has the meaning ascribed thereto by K.S.A.  
33 72-6410, and amendments thereto.

34 Sec. 4. (a) Any parent of a public school special needs student who is  
35 dissatisfied with the student's progress shall qualify for a scholarship from  
36 the state for the child to enroll in and attend a nonpublic school if:

1 of conduct and shall remain in attendance throughout the school year,  
2 unless excused by the school for illness or other good cause. A parent may  
3 transfer an eligible student to another participating school at any time. The  
4 scholarship amount shall be prorated between participating schools  
5 according to the period of attendance at each school.

6 ~~(c) / A parent's decision for their student to participate in the program~~  
7 ~~constitutes a nonpublic placement for purposes of the individuals with~~  
8 ~~disabilities education act.~~

9 Sec. 9. (a) The department may contract with one or more qualified  
10 researchers who have previous experience evaluating school choice  
11 programs to conduct a study of the program. The study shall assess:

- 12 (1) The level of participating student's satisfaction with the program.
- 13 (2) The level of parental satisfaction with the program.
- 14 (3) The percentage of participating students who were victimized  
15 because of their special needs status at their resident school district  
16 compared to the percentage so victimized at their participating school.
- 17 (4) The percentage of participating students who exhibited behavioral  
18 problems at their resident school district compared to the percentage  
19 exhibiting behavioral problems at their participating school.
- 20 (5) The class size experienced by participating students at their  
21 resident school district and at their participating school.
- 22 (6) The fiscal impact of the program on the state and resident school  
23 districts.

24 (c) The researchers who conduct the study shall apply appropriate  
25 analytical and behavioral sciences methodologies to ensure public  
26 confidence in the study.

27 (d) The researchers who conduct the study shall provide the  
28 legislature with a final copy of the evaluation of the program.

29 (e) The public and nonpublic participating schools from which  
30 students transfer to participate in the program shall cooperate with the  
31 research effort by providing student assessment instrument scores and any  
32 other data necessary to complete this study.

33 (f) The department may accept grants to assist in funding the study.

34 (g) The legislature may require periodic reports from the researchers.  
35 The researchers shall make their data and methodology available for  
36 public review while complying with the requirements of the family  
37 educational rights and privacy act of 1974 (20 U.S.C. § 1232g).

38 Sec. 10. The special needs scholarship program shall be in effect  
39 beginning with the fall semester of school year 2013-2014.

40 Sec. 11. This act shall take effect and be in force from and after its  
41 publication in the statute book.

A student participating in the program constitutes a waiver to special education services provided by any school district.