

2020

Substitute for SENATE BILL NO. 335

By Committee on Education

AN ACT concerning education; relating to postsecondary education; concurrent and dual enrollment; authorizing school districts to pay tuition and fees; requiring tuition waiver for foster children; report to the legislature; amending K.S.A. 72-3220, 72-3221, 72-3222, 72-3223, 72-3224 and 75-53,112 and repealing the existing sections.

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

New Section 1. (a) Each eligible postsecondary educational institution that accepts students for enrollment pursuant to the Kansas challenge to secondary school students act shall submit a report annually to the state board of regents. Such report shall include, but not be limited to, the following:

(1) The number of students from each school district enrolled in the eligible postsecondary educational institution, including the number of students in the custody of the secretary for children and families;

(2) the number of students who successfully complete the courses in which such students are enrolled at the eligible postsecondary educational institution;

(3) the tuition rate charged for students compared to the tuition rate charged to individuals who are regularly enrolled and attending the eligible postsecondary educational institution; and

(4) the amount and percentage of tuition each school district is paying pursuant to K.S.A. 72-3223, and amendments thereto.

(b) The state board of regents shall compile and prepare a summary report of the reports submitted pursuant to subsection (a) and shall submit such report to the house standing committee on education and the senate standing committee on education on or before February 15 of each year commencing in 2021.

Sec. 2. K.S.A. 72-3220 is hereby amended to read as follows: 72-3220. ~~(a)~~ K.S.A. 72-3220 through 72-3224, and amendments thereto, and section 1, and amendments thereto, shall be known and may be cited as the Kansas challenge to secondary school ~~pupils~~ students act.

~~(b) The provisions of this section shall take effect and be in force from and after July 1, 1993.~~

Sec. 3. K.S.A. 72-3221 is hereby amended to read as follows: 72-3221. ~~(a)~~ The legislature hereby declares that secondary school ~~pupils~~ students should be challenged continuously in order to maintain their interests in the pursuit of education and skills critical to success in the modern world. Therefore, it is the purpose and intention of the Kansas challenge to secondary school ~~pupils~~ students act to provide a means ~~whereby that~~ school districts, in cooperation with institutions of postsecondary education, may provide new and exciting challenges to secondary school ~~pupils~~ students by encouraging ~~them~~ such students to take full advantage of the wealth of postsecondary ~~education~~ educational opportunities available in this state.

~~(b) The provisions of this section shall take effect and be in force from and after July 1, 1993.~~

Sec. 4. K.S.A. 72-3222 is hereby amended to read as follows: 72-3222. As used in the Kansas challenge to secondary school ~~pupils~~ students act:

(a) ~~"Concurrent enrollment pupil"~~ "Student" means a person who: (1) Is enrolled in grades 10, 11 or 12 maintained by a school district, or a gifted child who is enrolled in any of the grades 9 through 12 maintained by a school district; (2) has an individualized plan of study or an individualized education program; (3) has demonstrated the ability to benefit from participation

in the regular curricula of eligible postsecondary ~~education~~ educational institutions; (4) has been authorized by the principal of the school attended to apply for enrollment at an eligible postsecondary ~~education~~ educational institution; and (5) is acceptable or has been accepted for enrollment at an eligible postsecondary ~~education~~ educational institution.

(b) "Eligible postsecondary ~~education~~ educational institution" means any state educational institution, community college, municipal university, technical college or accredited independent institution.

(c) "State educational institution" ~~has the meaning ascribed thereto~~ means the same as defined in K.S.A. 76-711, and amendments thereto.

(d) "Community college" means any community college organized and operating under the laws of this state.

(e) "Municipal university" means a municipal university established under the provisions of article 13a of chapter 13 of the Kansas Statutes Annotated, and amendments thereto.

(f) "Accredited independent institution" means ~~an a not-for-profit~~ institution of postsecondary education the main campus of which is located in Kansas and ~~which that~~: (1) Is operated independently and not controlled or administered by any state agency or any subdivision of the state; (2) maintains open enrollment; and (3) is accredited by ~~the north central association of colleges and secondary schools accrediting agency based on its requirements as of April 1, 1985~~ a nationally recognized accrediting agency for higher education in the United States.

(g) "Technical college" ~~has the meaning ascribed thereto~~ means the same as defined in

K.S.A. 74-32,407, and amendments thereto.

(h) "Gifted child" ~~has the meaning ascribed thereto~~ means the same as defined in K.S.A. 72-3404, and amendments thereto, or in rules and regulations adopted pursuant thereto.

Sec. 5. K.S.A. 72-3223 is hereby amended to read as follows: 72-3223. (a) The board of education of any school district and any eligible postsecondary ~~education~~ educational institution may enter into a cooperative agreement regarding the dual or concurrent enrollment of ~~concurrent enrollment pupils~~ students in courses of instruction for college credit at the eligible postsecondary ~~education~~ educational institution. The agreement shall include, but need not be limited to, the following:

(1) The academic credit to be granted for course work successfully completed by the ~~pupil~~ student at the institution, which credit shall qualify ~~as college credit and may qualify~~ as both high school and college credit;

(2) the requirement that such course work qualify as credit applicable toward the award of a degree or certificate at the institution;

(3) except as otherwise provided in subsection (b), the requirement that ~~the pupil shall pay to the institution~~ the student shall pay the negotiated amount of tuition and related costs charged by the institution for the student's enrollment ~~of the pupil; and~~

(4) the requirement that the eligible postsecondary educational institution shall notify the student or the student's parent or guardian if the course the student enrolled in at the eligible postsecondary educational institution is not a systemwide transfer course approved by the state board of regents and, as a result, the student may not receive credit for such course if the student transfers to or attends another postsecondary educational institution.

(b) ~~The provisions of this section shall take effect and be in force from and after July 1, 1993~~ The board of education of a school district, in its discretion, may pay all or a portion of the negotiated amount of tuition and related costs, including fees, books, materials and equipment, charged by an eligible postsecondary educational institution for a student's enrollment in such institution. As part of any agreement entered into pursuant to this section, the board of education of a school district shall not be required to pay any amount of tuition and required fees that are waived for an eligible foster child pursuant to the foster child educational assistance act, K.S.A. 75-53,111 et seq., and amendments thereto, except that the board, in its discretion, may pay any related costs that are not waived pursuant to such act, including fees, books, materials and equipment, charged by an eligible postsecondary educational institution for the student's enrollment in such institution. Any such payment shall be paid directly to the eligible postsecondary educational institution and shall be credited to such student's account.

Sec. 6. K.S.A. 72-3224 is hereby amended to read as follows: 72-3224. (a) ~~No school district shall be responsible for the payment of tuition charged to concurrent enrollment pupils by eligible education institutions or for the provision of transportation for such pupils~~ Except as otherwise provided in K.S.A. 72-3223(b), and amendments thereto, each student dually or concurrently enrolled in an eligible postsecondary educational institution pursuant to K.S.A. 72-3220 et seq., and amendments thereto, shall be responsible for the payment of the negotiated tuition and related costs, including fees, books, materials and equipment, charged by such institution for the student's enrollment.

(b) The board of education of a school district, in its discretion, may provide for the transportation of a student to or from any eligible postsecondary~~education~~ educational

institution.

~~(b) Each concurrent enrollment pupil shall be responsible for payment of tuition for enrollment at an eligible postsecondary education institution and for payment of the costs of books and equipment and any other costs of enrollment.~~

(c) Each ~~concurrent enrollment pupil~~ student dually or concurrently enrolled in an eligible postsecondary educational institution pursuant to K.S.A. 72-3220 et seq., and amendments thereto, who satisfactorily completes course work at ~~an eligible postsecondary education such~~ institution shall be granted appropriate credit toward fulfillment of the requirements for graduation from high school ~~unless such credit is denied by the school district in which the pupil is enrolled on the basis that high school credit is inappropriate for such course work.~~

(d) ~~The provisions of this section shall take effect and be in force from and after July 1, 1993~~ In order to remain eligible for participation in the program, a student shall remain in good standing at the eligible postsecondary educational institution or shall show satisfactory progress as determined by the school district.

(e) The provisions of the Kansas challenge to secondary school students act shall not apply to any enrollment in career technical education courses or programs pursuant to K.S.A. 72-3810 et seq., and amendments thereto, or the career technical education incentive program established pursuant to K.S.A. 72-3819, and amendments thereto.

Sec. 7. K.S.A. 75-53,112 is hereby amended to read as follows: 75-53,112. As used in the Kansas foster child educational assistance act:

(a) "Kansas educational institution" means and includes any community college, the

municipal university, state educational institution, the institute of technology at Washburn university or technical college.

(b) "Eligible foster child" means anyone who:

(1) (A) (i) Is in the custody of the secretary and in a foster care placement on the date such child attained 18 years of age; ~~(B)~~ (ii) has been released from the custody of the secretary prior to attaining 18 years of age, after having graduated from a high school or fulfilled the requirements for a general educational development (GED) certificate while in foster care placement and the custody of the secretary; ~~(C)~~ (iii) is adopted from a foster care placement on or after such child's 16th birthday; or ~~(D)~~ (iv) left a foster care placement subject to a guardianship under chapter 38 or 59 of the Kansas Statutes Annotated, and amendments thereto, on or after such child's 16th birthday; or

(B) is a student as defined under the Kansas challenge to secondary school students act, K.S.A. 72-3220 et seq., and amendments thereto, and was in the custody of the secretary and in foster care placement at any time such child was enrolled in grades nine through 12 at a school of a school district; and

(2) enrolls in a Kansas educational institution ~~on or after July 1, 2006.~~

(c) "Kansas foster child educational assistance program" or "program" means the program established pursuant to the provisions of the Kansas foster child educational assistance act, which shall provide for: (1) Undergraduate enrollment of eligible foster children pursuant to subsection (b)(1)(A) through the semester the eligible foster child attains 23 years of age; or (2) undergraduate enrollment of eligible foster children pursuant to subsection (b)(1)(B) through the Kansas challenge to secondary schools act, K.S.A. 72-3220 et seq., and amendments thereto.

(d) "Educational program" means a program ~~which~~ that is offered and maintained by a Kansas educational institution and leads to the award of a certificate, diploma or degree upon satisfactory completion of course work requirements.

(e) "Secretary" means the secretary for children and families.

Sec. 8. K.S.A. 72-3220, 72-3221, 72-3222, 72-3223, 72-3224 and 75-53,112 are hereby repealed.

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