

SESSION OF 2021

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 63**

As Amended by Senate Committee on  
Education

**Brief\***

SB 63, as amended, would amend law regarding the providing of ACT college entrance exams and Workkeys assessments to school students.

***Notification***

The bill would require the Kansas Department of Education (KSDE) and each school district to annually publish on their websites the times, dates, and locations of all pre-ACT, ACT, and ACT Workkey examinations being offered in the State.

***Participation***

The bill would include clarification that all participation in the pre-ACT, ACT, and ACT Workkeys examinations would be optional to students and that nothing in the bill should be construed as requiring students to participate in the examinations.

***Reporting Requirements***

The bill would require the State Board of Education to prepare and submit a report to the Senate and House Committees on Education or any successor committees on or before the first day of each regular legislative session. The bill

---

\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

would require the report to include the aggregate examination and assessment data for all Kansas students provided the pre-ACT, ACT, or ACT Workkey examinations.

***Definition***

The bill would add a definition of “student” that would mean any individual regularly enrolled in a public school, accredited nonpublic school, or nonaccredited secondary school that is located in the State.

**Background**

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

***Senate Committee on Education***

During the Senate Committee hearing, **proponent** testimony was provided by representatives of ACT, the Kansas Association of Community College Trustees, and the Kansas Catholic Conference. The proponents generally stated that the examinations are beneficial and that providing them at no cost to the student ensures no financial barrier exists to access them.

Written-only neutral testimony was provided by representatives of the State Board of Education (Board). The neutral conferees generally stated they were offering neutral testimony because this was not one of the Board’s legislative priorities.

**Opponent** testimony was provided by three private citizens. The opponents generally stated that they had concerns that the bill, as introduced, could force nonaccredited secondary schools to register with KSDE so they could be notified of dates when they do not need such

notification. They also expressed data privacy concerns regarding the reporting requirements in the bill.

The Senate Committee adopted amendments to:

- Add school districts to those who must provide notice of the dates, times, and locations of the examinations;
- Change the form of notice to being published on the websites of KSDE and school districts; and
- Clarify that participation was optional for all students.

### **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, KSDE states the bill could add \$300,000 to the annual cost of the department's contract with ACT. Any fiscal effect associated with the bill is not reflected in *The FY 2022 Governor's Budget Report*.

Education, ACT, State Department of Education