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MEMORANDUM

To: Special Committee on Education
From: Office of Revisor of Statutes
Date: December 1, 2021
Subject: Remote Learning Provisions of HB 2134

Due to concerns relating to the COVID-19 pandemic, remote learning became a primary form of learning for school districts during the latter part of the 2019-20 school year and into the 2020-21 school year. The Kansas Department of Education authorized school districts to utilize remote learning and provided guidance to districts regarding how such learning must be provided and documented in order for students to be counted and funded as full-time enrolled students under the state school finance formula.

Remote learning vs. Virtual school

Remote learning is defined as a method of providing education in which the student, although regularly enrolled in a school district, does not physically attend the attendance center such student would otherwise attend in-person on a full-time basis and curriculum and instruction are prepared, provided and supervised by teachers and staff of the school district to approximate the student learning experience that would take place in the attendance center classroom. To ensure that such learning experience requirement is met, the KSDE requires school districts to document that remote learning students have daily meaningful contact with a teacher for the purpose of providing instruction and support and to ensure that the academic progress of the student was supported and monitored daily. Such instruction generally occurs synchronously between the teacher and student.

Under Kansas law, remote learning is not the same as virtual school. Even though both learning methods utilize internet-based distance learning technologies to deliver education to students, the distinguishing factor is that virtual school primarily involves instruction that occurs asynchronously with the teacher and student.

HB 2134 - Remote Learning Limitations

In the 2021 legislative session, the Legislature passed HB 2134 to regulate the use of remote learning by school districts. K.S.A. 72-5180 provides that school districts shall not provide more than a total of 40 school term hours of remote learning to any student subject to two exceptions.

The first exception is that the board of education of a school district may temporarily authorize a particular student to attend school through remote learning in excess of the 40-hour limitation if such student cannot reasonably attend school in person due to an illness, medical condition, injury or other extraordinary circumstance. A board of education of a school district may grant such temporary exception on an individual student basis and must notify the State Board of Education of any such exemptions that the board has granted.

The second exception allows a board of education of a school district to apply to the State Board of Education for authorization to conduct remote learning beyond the 40-hour limitation due to a disaster. When submitting the application, the school district must certify that, due to a disaster, conditions resulting from widespread or severe property damage caused by the disaster or other conditions restricting the operation of public schools will exist in the school district for an inordinate period of time. The State Board may grant such application if it determines that a school cannot reasonably adjust its schedule to accommodate for such conditions. If an application is approved, a school district may utilize remote learning for a period not to exceed 240 school term hours.

If a school district would need to conduct more than 240 hours of remote learning due to such a disaster, HB 2134 authorizes the State Board of Education to waive the requirements of law relating to the remote learning limitations upon submission of a waiver application by a school district. If such waiver is granted by the State Board, the school district could conduct remote learning in excess of the 240 hour limitation.

K.S.A. 72-5180 defines a "disaster" as a state of disaster emergency declared by proclamation of the governor pursuant to K.S.A. 48-924, closure of schools by order issued by a county or joint board of health, a local health officer pursuant to K.S.A. 65-119, or the secretary of health and environment pursuant to K.S.A. 65-126, or occurrence of widespread or severe damage, injury or loss of life or property resulting from any natural or manmade cause, including, but not limited to, fire, flood, earthquake, tornado, wind, storm, an epidemic, air contamination, blight, drought, infestation or explosion.

HB 2134 – State Funding for Remote Learning Students

If a school district provides remote learning to any student in excess of any of the aforementioned limitations and not in accordance with an authorized exception, K.S.A. 72-5180 requires a state aid funding adjustment for such district. A student would be deemed a remotely enrolled student and funded at a flat \$5,000 under the school finance formula and no weightings would be applied to such student. School districts are required to report remotely enrolled students to the State Board and the State Board is required to adjust the school district's state aid accordingly.