

SESSION OF 2022

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2511

As Amended by House Committee on
K-12 Education Budget

Brief*

HB 2511, as amended, would authorize any student who is enrolled and attending a nonaccredited nonpublic school (home school) or virtual school to participate in Kansas State High School Activities Association (KSHSAA) activities that are offered by the school district in which such student resides..

The bill would also amend the compulsory school attendance statute to require school districts to allow for the part-time enrollment of students who are also enrolled in a private school or home school.

Kansas State High School Activities Association

The bill would authorize any student who is enrolled and attending a home school registered with the State Board of Education or virtual school to participate in KSHSAA activities that are offered by a school district. To be eligible for participation, the student would be required to:

- Be a resident of the school district;
- Be enrolled and attending a virtual or home school;
- Meet KSHSAA general age and eligibility requirements;

*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>

- Provide proof of required inoculations and vaccinations; and
- Pay any required activity fees that are imposed by the school on all other students for such activity.

To certify a student's eligibility under KSHSAA academic requirements, the official custodian of the home school or virtual school would be required to attest to the student's compliance with such requirements. If a particular activity requires enrollment in a particular course for participation, the board of education of a school district would be authorized to require the student to enroll in such course as a condition of participation.

The bill would also make KSHSAA board members, officers, and employees mandatory reporters of child abuse or neglect.

Compulsory School Attendance

The bill would amend the compulsory school attendance statute to consider students enrolled in a combination of public and private school during the required periods of time as compliant with compulsory attendance requirements. The bill would also make changes regarding when a student 16 to 17 years of age may be exempt from compulsory attendance:

- Clarifying that, following a final counseling session with the school, the student's parent or person acting as parent can provide written consent to allow exemption; and
- Including an exemption for a child subject to a court order that allows or requires the child be exempt from compulsory attendance.

The bill would also require school districts to allow for the part-time enrollment of students who are also enrolled in

a private school or home school. Each board of education of a school district would be required to adopt a policy to allow such students to enroll and attend any courses, programs, or services offered by the school district.

If school districts receive specific scheduling requests from part-time enrolled students, the bill would require the school district to make a good faith attempt to accommodate such requests, but the bill would not require such school district to accommodate all requests.

Background

HB 2511, as amended by the House Committee on K-12 Education Budget, contains the contents of HB 2511, as introduced, and incorporates the contents of HB 2514, as introduced. The background information for the referenced bills follows.

HB 2511 (KSHSAA)

HB 2511 was introduced by the House Committee on K-12 Education Budget at the request of Representative Tarwater.

House Committee on K-12 Education Budget

In the House Committee hearing on the bill, **opponent** testimony was provided by representatives from the KSHSAA and the Kansas Association of School Boards, who generally referenced that students not attending a public school do not have a standing in, or connection to, public schools. Written-only opponent testimony was provided by representatives of the State Board of Education; Douglass High School Athletics Department; USD 265; Holton High School; and Sterling Junior and Senior High School; and by private citizens. These representatives generally stated public school activities should be reserved for public school students, and public

school activities are incentives for students attending public schools.

No neutral or **proponent** testimony was provided.

The House Committee amended the bill to include the contents of HB 2514, as introduced.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on HB 2511, as introduced, enactment of the bill would have no fiscal effect on state aid to school districts. Any fiscal effect would be borne by school districts that would be affected by the bill.

HB 2514 (Compulsory School Attendance)

HB 2514 was introduced by the House Committee on K-12 Education Budget at the request of Representative Estes.

House Committee on K-12 Education Budget

In the House Committee on K-12 Education Budget hearing on the bill, **proponent** testimony was provided by a representative of ExcelinEd in Action. Written-only proponent testimony was provided by representatives from the organization yes. every. kid. and Americans for Prosperity. Proponents generally stated the bill would be positive for public schools, would empower families to engage with public schools on their own terms, and would allow children to have their individual educational needs met.

Written-only opponent testimony was provided by a representative from the Kansas National Education Association, who stated the bill was vague and created an unfunded burden on local school districts.

No neutral testimony was provided.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on HB 2514, as introduced, the Department of Education indicates the fiscal effect for the enactment of HB 2514 cannot be estimated. The Department of Education notes that those full-time public-school students who would opt to become part-time private school students would result in an eventual lower state aid to school districts, as it would lower the FTE student count in the school finance formula. Conversely, those private school students who would opt to become part-time public-school students would increase the FTE student count in the school finance formula and would increase state aid to school districts. However, the Department cannot estimate the net effect on FTE student count from the enactment of HB 2514. Any fiscal effect associated with HB 2514 is not reflected in *The FY 2023 Governor's Budget Report*.

Education; Kansas State High School Activities Association; mandatory reporter; part-time enrollment