

**HOUSE BILL No. 2506**

By Committee on K-12 Education Budget

Requested by Representative Thomas

1-16

Proposed Amendments to House Bill No. 2506 Prepared by: Nick Myers Office of Revisor of Statutes - Virtual school state aid revisions
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1 AN ACT concerning ~~the Kansas state high school activities association,~~  
 2 authorizing students enrolled in virtual schools to participate in  
 3 activities that are regulated by the Kansas state high school activities  
 4 association at such student's resident school district without a minimum  
 5 enrollment requirement in such resident school district; amending  
 6 K.S.A. 2023 Supp. 72-7121 and repealing the existing section

virtual schools; requiring virtual school state aid to be determined using full-time equivalent enrollment;
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72-3715 and
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sections
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8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. K.S.A. 2023 Supp. 72-7121 is hereby amended to read as  
 10 follows: 72-7121. (a) Any student who meets the requirements of this  
 11 section shall be permitted to participate in any activities offered by a  
 12 school district that are regulated, supervised, promoted and developed by  
 13 the activities association referred to in K.S.A. 72-7114, and amendments  
 14 thereto. A student shall be permitted to participate in any such activities if  
 15 such student:

Insert Attachment A
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16 (1) Is a resident of the school district;  
 17 (2) is enrolled and attending a *virtual school as defined in K.S.A. 72-*  
 18 ~~3212,~~ *and amendments thereto, or a nonpublic elementary or secondary*  
 19 *school;*

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20 (3) complies with the requirements of K.S.A. 72-6262, and  
 21 amendments thereto, prior to participation in any such activity;  
 22 (4) meets any applicable age and eligibility requirements set forth by  
 23 the activities association referred to in K.S.A. 72-7114, and amendments  
 24 thereto, that are not otherwise in conflict with this section;  
 25 (5) pays any fees required by the school district for participation in  
 26 such activity if such fees are generally imposed upon all other students  
 27 who participate in such activity; and  
 28 (6) seeks participation at the appropriate school of the school district  
 29 that corresponds to where such student resides within the school district's  
 30 respective school attendance boundaries established by the board of  
 31 education of the school district.

32 (b) (1) Any student attending a home school who seeks to participate  
 33 in an activity in the student's resident school district shall be deemed to  
 34 meet any academic eligibility requirements established by the activities  
 35 association for participation in an activity if:

1 (A) The student is maintaining satisfactory progress towards  
2 achievement or promotion to the next grade level; and

3 (B) the parent, teacher or organization that provides instruction to the  
4 student submits an affidavit or transcript to the activities association  
5 indicating the student meets the academic eligibility requirements of  
6 subparagraph (A).

7 (2) Upon submission of an affidavit, the student attending a home  
8 school shall be deemed to meet any academic eligibility requirements  
9 established by the activities association and shall retain such academic  
10 eligibility during the activity season for which such affidavit is submitted.

11 (c) *Except as provided in subsection (d), a student attending a virtual*  
12 *school as defined in K.S.A. 72-3212, and amendments thereto, who seeks*  
13 *to participate in an activity in the student's resident school district shall*  
14 *not be required to enroll in or attend a minimum number of courses at*  
15 *such school district.*

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16 (d) The board of education of a school district may require a student  
17 who participates in an activity pursuant to this section to enroll in a  
18 particular course or complete a particular course as a condition of  
19 participation, if such requirement is imposed upon all other students who  
20 participate in such activity.

21 ~~(d)~~(e) Except as provided in subsection (b), any student who seeks to  
22 participate in an activity pursuant to this section shall be subject to any  
23 tryout or other participation requirements that are otherwise applicable to  
24 all other students for participation in the activity.

72-3715 and

25 ~~(e) This section shall take effect on and after July 1, 2023.~~

26 Sec. 2. K.S.A. 2023 Supp. 72-7121 is hereby repealed.

are

27 Sec. 3. This act shall take effect and be in force from and after its  
28 publication in the statute book.

And by renumbering section accordingly

Section 1. (a) In order to be included in the full-time equivalent enrollment of a virtual school, a student shall be in attendance at the virtual school on:

- (1) A single school day on or before September 19 of the school year; and
- (2) on a single school day on or after September 20, but before October 4 of the school year.

(b) A school district that offers a virtual school shall determine the full-time equivalent enrollment of each student enrolled in the virtual school on September 20 of the school year as follows:

- (1) Determine the number of hours the student was in attendance on a single school day on or before September 19 of the school year;
- (2) determine the number of hours the student was in attendance on a single school day on or after September 20 but before October 4 of the school year;

(3) add the numbers obtained under subsections (b)(1) and (b)(2);

(4) divide the sum obtained under subsection (b)(3) by 12. The quotient is the full-time equivalent enrollment of the student.

(c) The school days on which a district determines the full-time equivalent enrollment of a student under subsections (b)(1) and (2) shall be the school days on which the student has the highest number of hours of attendance at the virtual school. No more than six hours of attendance may be counted in a single school day. Attendance may be shown by a student's on-line activity or entries in the student's virtual school journal or log of activities.

(d) Subject to the availability of appropriations and within the limits of any such appropriations, each school year a school district that offers a virtual school shall receive virtual school state aid. The state board of education shall determine the amount of virtual school state aid a school district is to receive as follows:

(1) Determine the ~~number~~ full-time equivalent enrollment of students enrolled in virtual school on a ~~full-time basis~~, excluding those students who are over 19 years of age and those students who are 19 years of age or younger who qualify for virtual school state aid pursuant to paragraph ~~(4)~~ (3), and multiply the total ~~number~~ full-time equivalent enrollment of such students by \$5,600;

(2) ~~determine the full-time equivalent enrollment of students enrolled in virtual school on a part-time basis, excluding those students who are over 19 years of age and those students who are 19 years of age or younger who qualify for virtual school state aid pursuant to paragraph (4), and multiply the total full-time equivalent enrollment of such students by \$2,800;~~

~~(3)~~ for students enrolled in a virtual school who are over 19 years of age, determine the number of one-hour credit courses such students have passed, not to exceed six credit courses per school year, and multiply the total number of such courses by \$709;

~~(4)~~(3) for students who are 19 years of age or younger who enroll in a virtual school as a dropout diploma completion virtual student, determine the number of one-hour credit courses such students have passed, not to exceed six credit courses per school year, and multiply the total number of such courses by \$709; and

~~(5)~~(4) add the amounts calculated under subsections (d)(1) through ~~(d)(4)~~ (d)(3). The resulting sum is the amount of virtual school state aid the school district shall receive.

(e) (1) There is hereby established in every school district the virtual school fund. Such fund shall consist of all moneys deposited therein or transferred thereto according to law. The expenses of a school district directly attributable to virtual schools offered by a school district may be paid from the virtual school fund. The cost of an advance placement course provided to a student by a virtual school shall be paid by the virtual school. Moneys deposited in or otherwise transferred to the virtual school fund shall only be expended for those costs directly attributable to the provision of virtual instruction.

- (2) Any balance remaining in the virtual school fund at the end of the budget year shall be carried forward into the virtual school fund for succeeding budget years. Such fund shall not be subject to the provisions of K.S.A. 79-2925 through 79-2937, and amendments thereto.
- (3) In preparing the budget of such school district, the amounts credited to and the amount on hand in the virtual school fund, and the amount expended therefrom shall be included in the annual budget for the information of the residents of the school district. Interest earned on the investment of moneys in any such fund shall be credited to that fund.
- (f) For the purposes of this section, a student enrolled in a virtual school who is not a resident of the state of Kansas shall not be counted in the full-time equivalent enrollment of the virtual school. The virtual school shall record the permanent address of any student enrolled in such virtual school.
- (g) As used in this section:
- (1) ~~—~~ "dropout diploma completion virtual student" means any student who is 19 years of age or younger who has:
- ~~(A)~~(1) A ratio of earned credits to expected credits for the student's cohort year of less than 75% when enrolling in a virtual school;
- ~~(B)~~(i)(2) (A) dropped out of high school such that the student has not attended any school of a school district for 60 consecutive days or more during the current school year and the student is not reasonably anticipated to recommence enrollment or attendance at any school of a school district during the current school year;
- (ii)(B) dropped out of high school such that the student has not attended any school of a school district for 60 consecutive days or more during the preceding school year, the student did not finish such preceding school year and the student is not reasonably anticipated to recommence enrollment or attendance at any school of a school district during the current school year; or
- (iii)(C) been exempted from compulsory student attendance by written consent of the parent pursuant to K.S.A. 72-3120, and amendments thereto; and
- ~~(C)~~(3) not been counted in the enrollment of a virtual school as a full-time or part-time virtual student during the school year in which such student enrolls as a dropout diploma completion virtual student.
- (2) ~~"Full-time" means attendance in a virtual school for no less than six hours as determined pursuant to subsection (b).~~
- (3) ~~"Part-time" means attendance in a virtual school for less than six hours as determined pursuant to subsection (b).~~