

**SECOND CONFERENCE COMMITTEE REPORT BRIEF
SENATE BILL NO. 438**

As Agreed to April 4, 2024

Brief*

SB 438 would establish the Kansas Blueprint for Literacy (Blueprint), create the Literacy Advisory Committee (Committee or Advisory Committee), create the position of Director of Literacy within the State Board of Regents, define the powers and duties of the Advisory Committee, and make appropriations to State Board of Regents; establish a required report from the State Department of Education (KSDE) regarding student statewide assessment scores and postsecondary achievement; modify the Accelerating Opportunity: Kansas (AO-K) career pathways assistance benefit; and make various changes to the Kansas Education Opportunity Scholarship, Kansas Hero's Scholarship, and Kansas Nursing Service Scholarship, administered by the State Board of Regents.

The bill would be in effect upon publication in the *Kansas Register*.

Findings

The bill would make three findings regarding making literacy a priority as an investment to support families and businesses and to continue the advancement of the Kansas economy and prosperity for Kansans. The support of a comprehensive approach to equipping Kansas educators with training in the science of reading, structured literacy, and literacy screening and assessment tools is described as essential.

Kansas Blueprint for Literacy (New Sections 1–8)

Appropriations to the State Board of Regents (New Section 1)

The bill would appropriate \$10.0 million in FY 2025 to the State Board of Regents for purposes of implementing the Blueprint.

This appropriation would include a proviso establishing the following restrictions:

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

- Failure by a postsecondary educational institution to meet the deadline of August 2024 for the creation and implementation of two three-credit hour applied application courses, to include such courses within the approved graduation requirements to earn a degree in elementary education, and to implement a common performance-based assessment for such courses would result in the lapsing of the following funding amounts for each institution that failed to meet the deadline:
 - \$1.0 million for Kansas State University, University of Kansas, or Wichita State University; and
 - \$500,000 for Emporia State University, Fort Hays State University, or Pittsburg State University;
- No expenditures shall be made for the purposes of developing said required courses and assessments.

Citation of Blueprint; Appropriations; Definitions (New Section 2)

The bill would designate New Sections 1–8 as the Blueprint and provide that each section’s provisions requiring expenditure of moneys would be subject to legislative appropriations.

Definitions. The bill would establish definitions for the following:

- “In-service,” to mean a licensed individual who is employed by a school district or accredited nonpublic school as a teacher;
- “Postsecondary education institution,” to mean:
 - A state educational institution, as defined in law pertaining to the State Board of Regents and management and operation of state educational institutions: University of Kansas, Kansas State University College of Agriculture and Applied Science, Wichita State University, Emporia State University, Pittsburg State University, and Fort Hays State University;
 - A municipal university (i.e., Washburn University); and
 - Any not-for-profit institution of postsecondary education that has its main campus or principal place of operation in Kansas, is operated independently and not controlled or administered by a state agency or subdivision of this state, maintains open enrollment, and is accredited by a nationally recognized accrediting agency for higher education in the United States;
- “Pre-service,” to mean an individual who is receiving the education and training to become a licensed teacher but is not yet licensed;
- “Science of reading,” to mean the teaching of reading using evidence-based research that includes phonemic awareness, phonics, fluency, vocabulary, and comprehension; and
- “Structured literacy,” to mean the application of knowledge from the science of reading that teaches reading in an evidence-based and systematic way.

Literacy Advisory Committee (New Section 3)

The Blueprint would create the Advisory Committee. The Committee would be assigned duties and responsibilities including the submission of a plan to the State Board of Regents on the establishment of Centers of Excellence in Reading on or before January 1, 2025. [Note: Additional duties and responsibilities are detailed following membership information.]

Voting membership. The Advisory Committee would consist of the following 15 voting members:

- The Director of Literacy Education (Director), who is appointed by the Executive Officer of the State Board of Regents (New Section 4), and will serve as chairperson of the Advisory Committee;
- One member appointed by the Governor;
- One member of the House of Representatives, or a literacy expert, appointed by the Speaker of the House of Representatives;
- One member of the House of Representatives, or a literacy expert, appointed by the Minority Leader of the House of Representatives;
- One member of the Senate, or a literacy expert, appointed by the President of the Senate;
- One member of the Senate, or a literacy expert, appointed by the Minority Leader of the Senate;
- One member appointed by and representing the Kansas National Education Association;
- One member appointed by and representing a school of education from Emporia State University, Fort Hays State University, or Pittsburg State University;
- One member appointed by and representing a school of education from the University of Kansas, Kansas State University, or Wichita State University;
- One member appointed by and representing the Washburn University School of Education;
- One member appointed by the Kansas Association of Community Colleges to represent community colleges;
- One member appointed by the Kansas Independent Colleges Association to represent a not-for-profit institution of postsecondary education school or college of education;
- One member appointed by the State Board of Education;
- One member of the State Board of Regents appointed by the State Board of Regents; and

- One member who is an expert in English for speakers of other languages (ESOL) literacy appointed by the United School Administrators of Kansas.

Nonvoting membership. The Blueprint would also designate the following nonvoting members:

- The Commissioner of Education, or the Commissioner’s designee; and
- Any number of members appointed by the Director.

Terms of membership and meetings. The bill would authorize the Committee to meet at any time and any place within the state upon call of the chairperson’s.

The bill would require members to be appointed on or before July 1, 2024, and voting members, except the Director, would serve four-year terms.

Any vacancy in the membership of the Committee would be filled by appointment in the same manner as the original appointment. The bill would further specify that any member of the Committee who misses 3 meetings in a 12-month period would be terminated and a new member appointed.

The bill would also provide that any legislative member, or member appointed by a legislative member to the Committee, would receive compensation, subsistence allowances, mileage, and other expenses as provided under KSA 75-3223. Any other member would be reimbursed by that member’s appointing authority.

The bill would also provide that the staff of the State Board of Regents, Office of Revisor of Statutes, Legislative Research Department, and Division of Legislative Administrative Services would provide assistance as may be requested by the Committee.

Duties and responsibilities. The Blueprint would require the Committee to:

- Monitor progress of literacy training for in-service and pre-service teachers and literacy education of elementary and secondary students;
- Designate best practices for literacy training for in-service and pre-service teachers and literacy education of elementary and secondary students;
- Be responsible for achieving the goal to have 100.0 percent of the Kansas elementary teacher workforce achieve a micro-credential in the science of reading and structured literacy by 2030, leading to 50.0 percent or more of 3rd through 8th graders achieving level 3 or above and at least 90.0 percent of Kansas 3rd through 8th graders achieving level 2 or above on the English language arts state assessment by 2033;
- Make recommendations to the Director;
- Make recommendations to the State Board of Education, the State Board of Regents, and the postsecondary educational institution presidents or chancellors on:
 - Literacy training for in-service and pre-service teachers and literacy education of elementary and secondary students; and

- Reading instruction methods based on the science of reading;
- Make recommendations to the House Committee on Education and the Senate Committee on Education on the implementation and any changes necessary to achieve the goals of the Blueprint;
- Submit a plan to the State Board of Regents on the establishment of the Centers of Excellence in Reading, as outlined in New Section 8 of the bill, on or before January 1, 2025; and
- Annually report Committee progress to the Legislature on state assessment progress for each grade level and all defined subgroups including, but not limited to, English language learners, students who received free meals pursuant to the National School Lunch Act, students in the custody of the Secretary for Children and Families, and race and ethnicity subgroups, at these time intervals:
 - Once on or before February 1 to the Senate Committee on Education and the House Committee on Education;
 - Once on or before May 1 to the Senate Committee and House Committee; and
 - Once on or before December 1 to any interim, special, or select committee, task force, or commission that has membership that includes legislators, is related to education, has been approved by the Legislative Coordinating Council, and requests such report.

The bill would require the Committee to be subject to the Kansas Open Meetings Act and the Kansas Open Records Act and publish each meeting agenda and available meeting documents online prior to each scheduled meeting.

Director of Literacy (New Section 4)

The Blueprint would require the State Board of Regents Executive Officer to appoint the Director on or before July 1, 2024.

In addition to the previously mentioned duties assigned to the Committee and role of this appointee, the Director would be required to:

- Implement and administer the Blueprint;
- Provide executive support to the Committee;
- Work with the State Board of Education and the State Board of Regents to ensure:
 - Progress on the initiatives, objectives, and desired outcomes in the Blueprint;
 - The development and utilization of the comprehensive assessment system; and
 - Postsecondary educational institutions and elementary and secondary schools are using tier I literacy methodologies;
- Encourage independent institutions to use tier 1 methodologies;
- Establish a program to track the science of reading and structured literacy training progression of in-service and pre-service early childhood and elementary teachers,

special education teachers and paraprofessionals, reading specialists, and early childhood and elementary administrators for all school districts in the state;

- Annually report, on or before January 15, to the Senate Committee on Education and the House Committee on Education on the implementation and administration of the Blueprint, including an implementation timeline, progress of initiatives, development and utilization of the comprehensive assessment system, progress toward the established goals, use of tier I methodologies, outcomes, and any proposed changes; and
- Report, on or before January 31, 2025, to the Senate Committee on Education and the House Committee on Education on the State Board of Regents' progress on utilization of the science of reading, elimination of discredited methodologies, use of universal screening measures, and assessments in elementary and secondary schools in the state.

Postsecondary Education Institutions; Comprehensive Reading and Literacy Assessment System (New Section 5)

The bill would require postsecondary educational institutions to designate practices based on the science of reading through structured literacy as the official tier I literacy methodology and would prohibit the use or teaching of any discredited methodologies, such as the three-cueing system.

Comprehensive reading and literacy assessment system. The Blueprint would direct the State Board of Regents, in collaboration with postsecondary educational institutions and research experts, to establish a comprehensive reading and literacy assessment system (comprehensive assessment system) with universal screening measures and diagnostic, formative, and summative assessments to be used in teacher preparation programs in this state. The bill would require this comprehensive assessment system to allow teachers to adjust instruction to meet the specific needs of students, including with regard to reading difficulties and the remediation of reading and literacy skill gaps. The bill would require the State Board of Regents to make recommendations to the State Board of Education on the comprehensive assessment system and ensure that such system is available on or before May 1, 2025.

The bill would further direct the State Board of Regents to:

- Develop training modules for the assessments on or before July 1, 2025;
- Support State Board of Education action to officially designate the science of reading as the official tier I literacy methodology;
- Support elementary and secondary schools as necessary to eliminate any discredited methodologies;
- Recommend literacy-specific universal screening measures and diagnostic, formative, and summative assessments to the State Board of Education; and
- Approve reading instruction methodologies recommended by the Advisory Committee for state educational institutions.

The bill would further prohibit, on or after July 1, 2025, school districts from using any textbooks or instructional materials that utilize:

- The three-cueing system model of reading as the primary basis for teaching word recognition;
- Visual memory as the primary basis for teaching word recognition; or
- The three-cueing system model of reading based on meaning, structure, and syntax and visual cues (MVS).

The bill would also state that nothing included within this section shall be construed to include the English language arts statewide assessments.

Professional Development; Micro-credential or Certification Requirements (New Section 6)

The Blueprint would require the State Board of Regents and the State Board of Education to collaborate to:

Jointly approve micro-credential requirements for in-service teachers or certification requirements for pre-service teachers at state educational institutions in the science of reading and structured literacy;

Develop or make accessible professional development programs and micro-credential courses for all in-service early childhood teachers, general education teachers, and special education teachers at low or no cost to such teachers. The bill would require such programs and courses to be delivered by national online learning programs or accredited postsecondary educational institutions;

Ensure all pre-service teacher preparation programs at state educational institutions are based on the science of reading and structured literacy;

Publish standards and course progressions to achieve transparency of Kansas reading education programs; and

Provide data for the program to the Director that tracks the science of reading and structured literacy training progression of in-service and pre-service early childhood and elementary teachers, special education teachers and paraprofessionals, reading specialists, and early childhood and elementary administrators for all school districts in the state.

Postsecondary Educational Institutions (New Section 7)

The bill would provide that the president or chancellor, provost, and dean of the college or school of education of each postsecondary educational institution would jointly have oversight and supervision of undergraduate- and graduate-level reading and literacy courses at their respective institutions and must:

- Ensure explicit courses in the science of reading and structured literacy, including the five pillars of reading for all undergraduate early childhood and elementary teacher preparation programs at state educational institutions;
- Appoint one representative from each postsecondary educational institution to conduct an annual systemwide analysis of the curriculum maps across all literacy courses;
- Require such analysis to include identifying clear evidence of instructional approaches and the core components of reading development; and
- Present a report on such systemwide analysis and any results from such analysis to the Advisory Committee;
- Design and implement two three-credit-hour applied application courses that the bill would require to be included within the approved graduation requirements to earn a degree in elementary education on or before August 2024;
- Implement a common performance-based assessment for such courses to be used by all postsecondary educational institutions on or before August 2024;
- Assist in the development of a science of reading and structured literacy micro-credential for early childhood teachers, elementary education teachers, ESOL teachers, reading specialists, special education teachers and paraprofessionals, and early childhood and elementary administrators that focuses on research-based fundamentals of reading instruction; and
- Provide information to the Advisory Committee.

Centers of Excellence in Reading (New Section 8)

The Blueprint would also direct the Advisory Committee to develop a plan to establish six regional centers of excellence in reading (Centers). The bill would require that such plan:

- Provide evaluation and identification of reading difficulties and reading disabilities;
- Collaborate with school districts to develop strategic literacy plans for individual students;
- Collaborate with the KSDE, State Board of Regents, and postsecondary educational institutions to support pre-service and in-service teacher training;
- Support the professional development and training of school-based instructional coaches;
- Pilot structured reading applied learning simulation laboratories for pre-service and in-service teachers;
- Pilot a literacy education simulation training laboratory for pre-service elementary teachers as a controlled environment for the application of the science of reading;

- Identify projected cost, staffing, and budget impacts to develop, expand, and sustain the Centers and reading simulation laboratories; and
- Make recommendations and provide progress reports to the Advisory Committee.

Annual Report on Postsecondary Success (Section 9)

The bill would require the State Board of Education, on or before January 15 of each year, to prepare and submit a report to the Legislature on students who have taken the statewide assessments. This report would include the following:

The number and percentage of students who took the statewide assessments during the prior school year broken down by core academic area (English language arts, mathematics, and science) by grade level; and

The percentage of students who took the statewide assessment in grade 10 and who obtained some postsecondary education two years after graduation from high school broken down by statewide achievement level.

The bill would also require the State Board of Education to publish the information required for the report on the KSDE website and include such information in the performance accountability reports and longitudinal achievement reports required under continuing law.

The provisions of the bill requiring this report would expire on July 1, 2029.

Kansas Education Opportunity Scholarship Program Act (Sections 10–15)

The bill would replace the Kansas Ethnic Minority Scholarship Program with the Kansas Education Opportunity Scholarship Program Act.

Under this act, first generation students or students who have a parent or guardian employed in Kansas as a pre-K through grade 12 teacher or paraprofessional would be eligible for a scholarship.

Student Eligibility

To be eligible for a Kansas Education Opportunity Scholarship, the bill would require a student to:

- Be a resident of Kansas;
- Have been accepted for admission to or is enrolled full-time in an educational program at an eligible institution;
- Have established financial need; and
- Meet one of the following criteria:
 - Be a first generation student as defined by the bill;

- Have a parent who is employed in Kansas as a teacher or paraprofessional for any of the grades pre-K through 12; or
- Have previously so qualified and remains qualified for the renewal of a Kansas Education Opportunity Scholarship on the basis of maintaining full-time enrollment in an educational program at an eligible institution, remaining in good standing, and making satisfactory progress toward completion of the requirements for the award of a degree or certificate of completion.

Scholarships

Under continuing law, the State Board of Regents would select any qualified students to be designated as a Kansas Education Opportunity Scholar and receive the accompanying scholarship. Once awarded, the bill would require the State Board of Regents to renew each recipient's scholarship annually so long as the student remains qualified for the program.

Continuing law would also maintain the scholarship awards as being an amount equal to 75.0 percent of the average amount of the total tuition and required fees of full-time, in-state students and last for no more than 8 to 10 semesters based upon the program the student is enrolled in.

Technical and Conforming Amendments

The bill would remove all references to the Kansas Ethnic Minority Program and make additional technical and conforming changes.

Nursing Service Scholarship Program (Sections 16–22)

Nursing Service Scholarship Limit and Allocation

The bill would remove the limit on the number of nursing service scholarships that may be awarded each year. The bill would also remove provisions requiring a certain number of the scholarships to be awarded to nursing students whose sponsors are located in rural areas, who are enrolled in a course of instruction leading to licensure as a registered professional nurse, and who are enrolled in a course of instruction leading to licensure as a licensed practical nurse.

Priority for scholarships would be changed to qualified applicants with the greatest financial need. [*Note:* Currently, priority is given to qualified applicants whose sponsor is a mental health or treatment facility.]

Sponsorship

The bill would make the following amendments to the provisions of the Nursing Service Scholarship Program (Program) pertaining to sponsors:

- Amend the definition of the term “sponsor” to mean any of the following that is located in a rural opportunity zone (ROZ), as defined by continuing law:

- An adult care home licensed under the Adult Care Licensure Act;
 - A licensed medical facility;
 - A licensed home health agency;
 - A local health department;
 - A mental health or treatment facility; or
 - A state agency that employs licensed practical nurses or licensed professional nurses;
- Make sponsorship by a sponsor optional for an individual's eligibility for the scholarship;
 - Amend the amount of the scholarship a recipient, who has a sponsor, could receive to 125.0 percent of the amount established annually by the State Board of Regents; and
 - Require a scholarship recipient who has a sponsorship agreement to engage in the practice of nursing in the employment of such sponsor for the length of time the recipient received scholarship assistance or until fulfilled as otherwise required by law.

[*Note:* The current maximum scholarship amounts for the Program are \$3,500 per school year for recipients enrolled full-time in a licensed practical nurse program and \$4,500 per school year for recipients enrolled full-time in a registered nurse program.]

Terms of the Scholarship Agreements with State Board of Regents

The bill would make changes to the scholarship agreement entered into by the State Board of Regents and the scholarship recipient by requiring the scholarship recipient to:

Within six months of completing the required course of instruction, attain licensure with the Board of Nursing as a licensed professional nurse or licensed practical nurse;

Complete the Free Application for Federal Student Aid (FAFSA) for each academic year in which scholarships funds are awarded under the agreement; and

Within six months of attaining licensure, engage in the full-time or part-time practice of nursing in Kansas for the following durations:

For full-time practice, the total amount of time required under the agreement, which must be for a period of no less than the length of time the recipient received scholarship assistance; or

For part-time practice, the total amount of time required under the agreement, which must be for a period of time that is equal to full-time, as determined by the State Board of Regents, multiplied by the length of the time the recipient received scholarship assistance.

[*Note:* For a scholarship recipient who has a sponsor, such recipient would be required to engage in the practice of nursing in the employment of the sponsor in accordance with the sponsorship agreement for the length of time the recipients received scholarship assistance or until fulfilled as otherwise required by law.]

Failure to satisfy the service requirement of the scholarship agreement with the State Board of Regents would result in a scholarship recipient having to pay the Board an amount equal to the scholarship amount received plus interest. The bill would change the interest rate to 5.0 percent per annum, and the interest would begin accruing on the date the obligation to repay commenced.

Nursing Service Scholarship Review Committee

The bill would abolish the Nursing Service Scholarship Committee (Scholarship Committee). The bill would also remove the definition of the term "Committee."

Rules and Regulations

The bill would no longer require the State Board of Regents to consult with the Scholarship Committee before adopting rules and regulations as necessary to administer the Program.

Technical Amendments

The bill would also make technical amendments.

AO-K Program (Section 23)

The bill would allow all students in an AO-K Program to receive the AO-K assistance benefit, rather than only those pursuing high school equivalency.

The bill would also limit the payment provided for each student to no more than \$500 over the lifetime of the student.

[*Note:* Continuing law defines the AO-K Program as a career pathways program model that assists students in obtaining a high school equivalency, becoming ready for transferable college-level courses and earning an industry credential.]

Kansas Hero's Scholarship Act (Section 24)

The bill would amend the Kansas Hero's Scholarship Act to expand the number of eligible recipients who may receive financial assistance.

The bill would make the following changes to the eligibility requirements:

- Remove provisions limiting eligibility to dependents and spouses of those who served as a member of the military after September 11, 2001; and
- Clarify provisions pertaining to military servicemembers who died while in military service or sustained an injury or disability that rendered the servicemember incapable of continuing such service.

The bill would also add a provision requiring the State Board of Regents to establish an aggregate limit for financial assistance under this act each year based on the annual appropriated amounts for paid reimbursements. The bill would remove the reimbursement limit of \$500,000 per year for educational institutions.

Conference Committee Action

The Second Conference Committee agreed to the provisions of SB 438, as amended by the House Committee of the Whole.

The Second Conference Committee also agreed to include provisions establishing the Blueprint (SB 532, as amended by Senate Committee on Education) with the following amendments:

- Require at least 90.0 percent of students in grades 3 through 8 to achieve a level two or higher on the English language arts statewide assessments by 2033;
- Clarify the English language arts state assessment progress reports requirement;
- Clarify that textbooks or instructional materials utilizing the three-cueing system or visual memory are prohibited from being the primary technique used to teach word recognition;
- Clarify that New Section 5 regarding reading instruction shall not be construed to include the English language arts statewide assessments;
- Appropriate \$10.0 million to the State Board of Regents for implementing the Blueprint with the following restrictions:
 - Failure by a postsecondary educational institution under the State Board of Regents to meet the deadline of August 2024 for the creation and implementation of two three-credit hour applied application courses, to include such courses within the approved graduation requirements to earn a degree in elementary education, and to implement a common performance-based assessment for such courses would result in \$500,000 to \$1.0 million being lapsed based upon the institution in question; and
 - No funding could be provided to postsecondary education institutions for purposes of course or assessment development.

The Second Conference Committee further agreed to add the contents pertaining to:

- The Kansas Education Opportunity Scholarship Program (SB 544, as amended by Senate Committee);
- The Kansas Nursing Service Scholarship and the Kansas Hero's Scholarship and further amend provisions regarding eligibility requirements for the Kansas Hero's Scholarship (combined in Senate Sub. for HB 2645; separately, HB 2645 and HB 2646); and

- Require an annual report to the Legislature showing the postsecondary success of recent high school graduates based upon their statewide assessment scores (HB 2731, as amended by House Committee).

Background

The Second Conference Committee report includes the contents of SB 438, Senate Sub. for HB 2645, HB 2731, SB 532, and SB 544. Background information for each bill follows.

SB 438 (AO-K Program)

SB 438 was introduced by the Senate Committee on Education at the request of Senator Dietrich on behalf of the State Board of Regents.

Senate Committee on Education

In the Senate Committee hearing on February 14, 2024, proponent testimony was provided by representatives of Goodwill Industries of Kansas and the State Board of Regents. The proponents generally indicated the bill would ensure that all AO-K students are eligible for the state payment, up to \$500 per student per institution over their lifetime. According to testimony, in the last fiscal year, Goodwill Industries of Kansas paid \$11,931 out of pocket for these required student materials. No other testimony was provided.

The Senate Committee adopted a technical amendment to specify that all students enrolled in an AO-K program shall have reasonable access to all available student resources of the adult education program, participating technical or community colleges, and the appropriate community partners. [Note: The Conference Committee retained this amendment.]

House Committee on Education

In the House Committee hearing on March 20, 2024, proponent testimony was provided by a representative of the State Board of Regents. The proponent testimony was substantially similar to that provided to the Senate Committee on Education. Written-only proponent testimony was provided by a representative of Goodwill Industries of Kansas. No other testimony was provided.

House Committee of the Whole

The House Committee of the Whole amended the bill to change its effective date to upon publication in the Kansas Register. [Note: The Conference Committee retained this amendment.]

Senate Sub. for HB 2645 (Nursing Service Scholarship and Kansas Hero's Scholarship)

On March 18, 2024, the Senate Committee on Education inserted the contents of HB 2646 (Kansas Hero's Scholarship Act) into HB 2645 (Nursing Service Scholarship Program) while retaining the contents of HB 2645. Background information for each bill follows.

HB 2645 (Nursing Service Scholarship Program)

HB 2645 was introduced by the House Committee on Education at the request of a representative of the State Board of Regents.

House Committee on Education

In the House Committee hearing on February 12, 2024, proponent testimony was provided by a representative of the State Board of Regents, stating the bill would increase interest in the Nursing Service Scholarship Program, help address the nursing workforce shortage in Kansas, and make administration of the Program more efficient. Written-only proponent testimony was provided by representatives of the Kansas Hospital Association and Kansas Independent College Association. No other testimony was provided.

The House Committee amended the bill to:

- Restore the definition of “mental health or treatment facility”;
- Restore and amend the definition of “sponsor” to add that a sponsor must be located in a ROZ;
- Restore various provisions pertaining to sponsors and sponsorship agreements;
- Make having a sponsor optional; and
- Provide that the scholarship amount for a nursing student who has a sponsor must not exceed the amount of each scholarship established annually multiplied by 125.0 percent.

[*Note:* The second Conference Committee retained these amendments.]

Senate Committee on Education

In the Senate Committee hearing on March 6, 2024, proponent testimony was provided by a representative of the State Board of Regents. The proponent testimony was substantially similar to that provided to the House Committee on Education. Written-only proponent testimony was provided by representatives of the Kansas Hospital Association and Kansas Independent College Association. No other testimony was provided.

HB 2646 (Kansas Hero's Scholarship Act)

HB 2646 was introduced by the House Committee on Education at the request of a representative of the State Board of Regents.

House Committee on Education

In the House Committee hearing on February 12, 2024, a representative of the State Board of Regents provided proponent testimony, stating the bill would improve the administration of the Act, benefit servicemembers' spouses and dependents, and make the Kansas Hero's Scholarship Act subject to appropriation, like other financial aid programs administered by the Board. Written-only proponent testimony was provided by a representative of United WE. No other testimony was provided.

Senate Committee on Education

In the Senate Committee hearing on March 6, 2024, a representative of the State Board of Regents provided proponent testimony. The proponent testimony was substantially similar to that provided to the House Committee on Education. Written-only proponent testimony was provided by a representative of United WE. No other testimony was provided.

The Senate Committee amended the bill to delete a scholarship eligibility requirement, "sustained an injury or disability that rendered the servicemember incapable of continuing such servicemember's military service," for any dependent or spouse of any resident of Kansas. [Note: The second Conference Committee did not retain this amendment but adopted one substantially similar.]

HB 2731 (Annual Report on Postsecondary Success)

The bill was introduced by the House Committee on Education at the request of Representative Estes.

House Committee on Education

In the House Committee hearing on February 20, 2024, proponent testimony was provided by Representative Estes and a representative of the Kansas Policy Institute. The proponents stated the bill would help the Legislature and the public have a better understanding of the statewide assessment results by providing the total number of students participating in the statewide assessment and outcomes related to college and career readiness.

Opponent testimony was provided by a representative of the State Board of Education. The conferee stated the report being mandated by the bill could be provided to the Legislature or standing legislative committees on education without becoming law.

No other testimony was provided.

The bill was withdrawn from the House Committee on February 22, 2024, and referred to the House Committee on Appropriations. The bill was re-referred to the House Committee on Education on February 23, 2024.

On March 12, 2024, the House Committee amended the bill to add a five-year sunset. The provisions of the bill would expire July 1, 2029. [Note: The second Conference Committee retained this amendment.]

SB 532 (Kansas Blueprint for Literacy)

The bill was introduced by the Senate Committee on Assessment and Taxation at the request of Senator Baumgardner. The bill was referred to the Senate Committee on Education on February 23, 2024. [Note: A companion bill was introduced in the House, HB 2839, and was recommended to be passed, as amended by the House Committee on Education.]

Senate Committee on Education

In the Senate Committee hearing on March 7, 2024, proponent testimony was provided by representatives of the State Board of Regents, State Board of Education, Kansas Association of School Boards (KASB), Kansas National Education Association, Kansas Policy Institute, Kansas State University, Olathe Public Schools (USD 233), and the United School Administrators-Kansas. The proponents generally stated that the Blueprint would create collaborative efforts to prioritize literacy in Kansas and supported the stipend for the pre-service teacher training in the science of reading. Representatives of the State Board of Regents and State Board of Education requested consideration of amendments regarding appropriations and expenditure of funds for the Blueprint, the transformational goal for achievement and literacy attainment, the use of the Comprehensive Assessment System for teacher preparation programs, and clarification of references to the State Board of Regents and the State Board of Education and duties and reporting assigned to each.

Written-only proponent testimony was provided by a representative of Aligned.

Neutral testimony was provided by a representative of the Kansas Independent College Association. The conferee requested consideration of an amendment to address curriculum oversight for non-profit colleges' teacher education programs and for a change in the balance of Advisory Committee members in terms of representation for postsecondary educational and postsecondary state institutions.

[Note: A joint informational hearing was held on March 4, 2024. Members of the Senate Committee and the House Committee on Education received a briefing of the bill's provisions and participated in discussion with parties to the bill.]

The Senate Committee amended the bill to:

- Require that expenditure of moneys for the Blueprint (New Sections 1–7) will be subject to legislative appropriations;
- Modify the transformational goal concerning student achievement at a certain level on English language arts assessment by 2033, to require that 50.0 percent or more of

students in grades 3 through 8 achieve level 3 or above and at least 85.0 percent of Kansas students in grades 3 through 8 achieving level 2 or above on English language arts assessments [Note: The 50.0 percent is not cumulative but would be for each grade.]; [Note: The second Conference Committee did not retain this amendment but adopted one substantially similar.]

- Require the Advisory Committee to report to the Legislature on state assessment progress for each grade level and all defined subgroups at specified times each calendar year;
- Specify that the Advisory Committee is subject to the Kansas Open Records Act and the Kansas Open Meetings Act and require meeting agendas and meeting documents to be online before each scheduled meeting;
- Replace, in language pertaining to the establishment of a comprehensive reading and assessment system and the entity designated to use this system, the use by each school district in the state with use in teacher preparation programs in the state;
- Clarify a reference in the bill to broaden terminology relating to teacher preparation programs in postsecondary education institutions, to specify state educational institutions encourage independent institutions in their use of tier I literacy methodologies, and expand references to micro-credentialing to also include certification requirements for pre-service teachers at state educational institutions;
- Prohibit school districts from using any textbooks or instructional materials that utilize the three-cueing system and visual memory as the primary basis for teaching word recognition or the three-cueing system model for reading; [Note: The second Conference Committee did not retain this amendment but adopted one substantially similar.]
- Remove a provision that would have required school districts to use the comprehensive assessment system starting in school year 2025-2026; and
- Make technical and clarifying amendments.

[Note: The second Conference Committee retained these amendments, with the exceptions noted above.]

SB 544 (Kansas Education Opportunity Scholarship)

The bill was introduced by the Senate Committee on Assessment and Taxation at the request of Senator Baumgardner.

Senate Committee on Education

In the Senate Committee hearing on March 18, 2024, no oral proponent testimony was provided. Written-only proponent testimony was provided by a representative of the State Board of Regents.

Neutral testimony was provided by a representative of the Kansas Independent College Association, who stated the Association is supportive of increasing student aid and statewide efforts and addressing college affordability. However, the conferee expressed concerns that replacing the Kansas Ethnic Minority Scholarship may be premature due to the U.S. Supreme Court's ruling on *Students for Fair Admissions v. Harvard* that does not clarify whether states and institutions were prohibited from designing need-based programs that serve minority students. There is also concern the scholarship would replicate existing Kansas programs, specifically the Kansas State Scholars Program.

Written-only opponent testimony was provided by a representative of the Health Forward Foundation.

The Senate Committee amended the bill to:

- Change the Kansas Academic Excellence Scholarship Program to the Act (the bill, as introduced, would have replaced the Kansas Ethnic Minority Scholarship with the Kansas Academic Excellence Scholarship Program);
- Replace the terms “academic excellence” and “academically talented” with “education opportunity” to remove the merit-based provisions from the Act (New Sections 1-6);
- Replace the eligibility requirement of “demonstrated educational ability” with “is a first generation student or has a parent who is employed in Kansas as a teacher or paraprofessional for any of the grades pre-K through 12”;
- Change the definition of “eligible institution” to be either a state education institution, Washburn University, or an accredited independent institution;
- Add the definition of “first generation student”; and
- Make technical and conforming amendments.

[*Note:* The second Conference Committee retained these amendments.]

Fiscal Information

SB 438 (AO-K Program)

According to the fiscal note prepared by the Division of the Budget on SB 438, as introduced, the State Board of Regents (State Board) is unable to estimate exact funding that would be needed for additional students and to pay for books, tools, or other required materials. According to the State Board, Goodwill Industries of Kansas estimates up to 350 students could take advantage of the assistance that do not currently do so, which is estimated to cost \$175,000 in FY 2025. The State Board states the \$175,000 estimated increase could be covered within existing resources. Any fiscal effect associated with enactment of SB 438 is not reflected in *The FY 2025 Governor's Budget Report*.

Senate Sub. for HB 2645 (Nursing Service Scholarship and Kansas Hero's Scholarship)

HB 2645 (Nursing Service Scholarship Program)

According to the fiscal note prepared by the Division of the Budget on HB 2645, as introduced, the State Board indicates enactment of the bill would eliminate the sponsorship requirement, which would reduce revenues the State Board receives from sponsors; however, the State Board also indicates with the reduction in revenue, there would also be a corresponding reduction to expenditures. The State Board also states the scholarship requirements have limited its ability to use the full State General Fund (SGF) appropriation each year. With the removal of the sponsorship requirement and the limit of scholarships that can be awarded, the Board estimates it would be able to fully award the entire SGF appropriation. Any fiscal effect associated with enactment of HB 2645 is not reflected in *The FY 2025 Governor's Budget Report*.

HB 2646 (Kansas Hero's Scholarship Act)

According to the fiscal note prepared by the Division of the Budget on HB 2646, as introduced, the State Board indicates enactment of the bill would increase the amount of time State Board staff would spend administering the scholarship but the additional time would be absorbed within existing resources. Any fiscal effect associated with enactment of HB 2646 is not reflected in *The FY 2025 Governor's Budget Report*.

HB 2731 (Annual Report on Statewide Assessment Scores and Postsecondary Success)

According to the fiscal note prepared by the Division of the Budget on HB 2731, as introduced, the KSDE indicates the additional administrative requirements for the bill would be performed by existing staff of the agency. However, if the combined effect of implementing the bill and other enacted legislation exceeds the agency's administrative resources, additional expenditures for administrative costs beyond the agency's current budget in future years may be required. Any fiscal effect associated with enactment of HB 2731 is not reflected in *The FY 2025 Governor's Budget Report*.

SB 532 (Kansas Blueprint for Literacy)

According to the fiscal note prepared by the Division of the Budget on SB 532, as introduced, the State Board estimates SGF expenditures of \$18.5 million in FY 2025 and \$16.5 million in FY 2026, along with an additional 3.0 FTE positions if the bill is enacted. Of the FY 2025 amount, \$1.0 million would be used to develop and validate the literacy performance assessment, and \$1.0 million would be used to develop the science of reading fundamentals performance-based micro-credentials. The expenditures would be one-time only in FY 2025. [Note: The Conference Committee report for SB 438 makes appropriations and inserts related provisions for FY 2025.]

Legislative Administrative Services estimates expenditures of \$20,267 in FY 2025 and \$22,574 in FY 2026 from SGF if the bill is enacted for meeting expenses for four legislators. Of the FY 2025 amount, \$15,876 would be for legislator pay, \$3,971 for a committee assistant, and

\$420 for publication in the Kansas Register. The agency's estimate assume four legislators on the Advisory Committee and six meetings per year. The agency states that if all the legislative appointees are non-legislators, the cost for non-legislator pay would be \$8,292. The FY 2026 estimate includes increases for legislator pay, subsistence, mileage, and tolls.

The KSDE states there would be no fiscal effect on agency operations if SB 532 is enacted, and the agency also indicates its budget includes funding for State Board member participation on committees.

Any fiscal effect associated with enactment of SB 532 is not reflected in *The FY 2025 Governor's Budget Report*.

The Kansas Association of School Boards states it does not have enough data to estimate a fiscal effect if the bill is enacted.

SB 544 (Kansas Education Opportunity Scholarship)

According to the fiscal note prepared by the Division of the Budget on SB 544, as introduced, the State Board estimates additional funding of \$1.7 million from the SGF in both FY 2025 and FY 2026 would be needed if the bill is enacted. The current SGF appropriation for the Kansas Ethnic Minority Scholarship is \$296,498, which has not been enough to fund qualified applicants. The State Board states the bill would expand the number of qualified applicants, and the agency estimates the number of eligible applicants and scholarship renewals would exceed the current appropriation for the Kansas Ethnic Minority Scholarship. The State Board indicates administration of the scholarship could be absorbed within existing resources.

Any fiscal effect associated with SB 544 is not reflected in *The FY 2025 Governor's Budget Report*.

Education; ao-k; accelerating opportunity; kansas; postsecondary education; literacy; kansas blueprint for literacy; literacy advisory committee; state department of education; state board of regents; state board of education; professional development; statewide assessment; annual report; scholarship programs; kansas academic excellence scholarship program; kansas hero's scholarship act; public safety officer; military; nursing service scholarship program; nursing

ccrb_sb438_02_442024.odt