



## KSBR 2025 KANSAS LEGISLATIVE POLICY UPDATE



The following policy information and model guidance summarize selected education bills passed by the 2025 Kansas Legislature that may require policy revisions by school districts.

**Note:** This Policy Update provides general observations and guidance and is not intended to serve as legal advice. KSBCRC recommends consulting your board attorney for any legal policy concerns. For additional information, Kansas school boards may contact the *School Boards for Academic Excellence* through the Kansas Legal Hotline.

State Statute Reference	Policy Change Recommendations	Comments
<b>Board Governance Policy</b>	<a href="#">HB 2134</a> Kansas Open Records Act and Open Meetings Act.	Update current KORA/KOMA policies.
<b>Funding Policy</b>	<a href="#">HB 2033</a> amends <a href="#">72-5153</a> : At-risk education fund; allowable expenditures; identification of best practices; provisional at-risk programs.	<i>Recommended Additions to At-Risk Student Programs:</i> Any nonprofit organization accredited by the International Multisensory Structured Language Education Council to the list of approved at-risk educational programs. <i>Phillips Learning Center</i> was added to the list of approved at-risk educational programs that are eligible to receive distributions from school district's at-risk education funds. June SBOE meeting: the KSBOE approved any/all programs accredited by the International Dyslexia Association (IDA) for the At-Risk Evidence-Based Programs list.
<a href="#">HB 2160</a> Kansas Municipal Employee Whistleblower Act.	Recommended <a href="#">policy</a> adoption. This law requires each district to adopt its own standalone policy, which must be prominently displayed in district buildings where it is easily visible to all employees.	How does this new law affect school districts? The term "municipality" means "any county, city, or unified school district, or any office department, division, board, commission, bureau agency or unit thereof.

<b>Student Issues Policy</b>		
<a href="#">SB 114</a> Regarding participation in KSHSAA activities. This amended <a href="#">72-7121</a> : Participation in public school activities by students attending nonpublic schools or virtual schools; eligibility; participation requirements.	Recommend <a href="#">adding a policy</a> to allow participation in or <i>update current</i> policy if it prohibits students who attend nonpublic schools or virtual schools from participating in district-sponsored events, ceremonies, programs, or other functions directly related to the activity.	The bill allows each local school district board to adopt policies regarding the participation of those students in district-sponsored events, ceremonies, programs, or other functions that are not directly related to the activity.
<a href="#">HB 2012</a> amends <a href="#">K.S.A. 72-8268</a> Interstate compact on educational opportunity for military children.	Recommend policy <a href="#">changes to your current district's</a> Enrollment policy for the purpose of removing barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents.	This new law requires school districts to permit the advance enrollment of any military student if the student provides evidence that their parent or guardian will be stationed at a military installation in Kansas during the current or immediately succeeding school year.
<b>Curriculum Policy</b>		
<a href="#">HB2382</a> amends K.S.A. 72 to add Fetal Development Presentation.	Recommend curriculum review to include Fetal Development Presentation requirement in any courses that addresses human growth, human development or human sexuality.	This new law requires that any school district that offers courses or other instruction regarding human growth, human development, or human sexuality to include, as part of the course or instruction, a human fetal development presentation. The law requires that the human fetal development presentation be a high-quality, computer-generated animation or high-definition ultrasound; be at least three minutes in length; and show the development of the brain, heart, and other vital organs in early human fetal development.

## Policy Recommendations with Policy Analysis

### Board Governance Policy: Open Meetings (KOMA/KORA)

The [insert USD #] school board shall serve as the elected governing board for the district as a whole

#### *Subcommittees or Subgroups of the Board:*

The board may appoint subcommittees, or subordinate groups of the board consisting of no more than three board members.

The board shall designate the purpose and responsibilities of any subcommittees or subgroups it establishes. The board may dissolve any such subcommittee or subgroup when it determines that it is no longer necessary.

#### *KOMA/KORA Requirements:*

The [insert USD #] board and is subject to KS Open Meetings laws (KS [45-216](#); [75-4317](#)).

Subcommittee or other subordinate groups of the board shall be subject to the requirements of state KORA/KOMA laws (KS [45-216](#); [75-4317](#)).

If the [insert USD #] board voluntarily (live streaming is not required) elects to live stream their meeting on television, the internet or any other medium, the board shall ensure that all aspects of the open meeting are available through the selected medium for the public to observe. An unintentional technological failure or an action taken by the provider of the selected medium that disrupts or prevents such live stream shall not constitute a violation of this subsection.

#### **Analysis of this Policy:**

Kansas Attorney General's Office: [A-Citizens-Guide-to-Open-Records.pdf](#)

KSBRCC Analysis: [KSBRCC-Policy-Analysis-KORA-KOMA-update-7.10.pdf](#)

## **District Policy: Kansas Municipal Employee Whistleblower Act**

No supervisor or appointing authority of *[insert USD #]* shall prohibit any of the following or take any disciplinary action against an employee of *[insert USD #]* because such employee:

- (1) Discussed the operations of the *[insert USD #]* or other matters of public concern, including matters relating to the public health, safety and welfare either specifically or generally, with any member of the board or any auditing agency;
- (2) reported a violation of state or federal law, district resolution or ordinance or any rules and regulations adopted pursuant such law, resolution or ordinance to any person, agency or organization;
- (3) failed to give notice to the supervisor or appointing authority prior to making any report described in paragraph (2); or
- (4) disclosed malfeasance or other misappropriation of moneys held by the district to any person, agency or organization.

*This section shall not be construed to:*

- (1) Prohibit a supervisor or appointing authority from requiring that an employee inform the supervisor or appointing authority regarding governing body or auditing agency requests for information submitted to the district or the substance of testimony made, or to be made, by the employee to members of the governing body or the auditing agency on behalf of the district;
- (2) permit an employee to leave the employee's assigned work areas during normal work hours without following applicable rules and regulations and policies pertaining to employee leave unless the employee is requested by a member of the governing body of *[insert USD #]* to appear before such governing body or by an auditing agency to appear at a meeting with officials of the auditing agency;
- (3) authorize an employee to represent the employee's personal opinions as the opinions of the district; or
- (4) prohibit disciplinary action of an employee of *[insert USD #]* who discloses information that:
  - (A) The employee knows to be false or that the employee discloses with reckless disregard for the truth or falsity of such information;
  - (B) the employee knows to be exempt from the open records act;
  - (C) is confidential or privileged under state or federal law or court rule; or
  - (D) is disclosed due to a corrupt motive rather than a good faith concern for a wrongful activity.

This policy shall be prominently posted in all *[insert USD #]* buildings where it can reasonably be expected to come to the attention of all employees of the district.

### **Analysis of this Policy:**

This new law establishes the Kansas Municipal Employee Whistleblower Act to provide legal protections for municipal employees who report conduct that is dangerous or unlawful. How does this new law affect school districts? The term "municipality" means "any county, city, or unified school district, or any office, department, division, board, commission, bureau agency or unit thereof."

The law is modeled after the existing Kansas Whistleblower Act, which protects state employees. It is curious that the education community did not engage. They may not have been aware that the law would/does affect school districts. Most of the testimony came from citizens and local government employees, but one proponent was an English teacher wanting protection from the harassment she was getting in/from her district for her outspoken

opposition to DEI meetings all staff members were required to attend and the policy requiring teachers to withhold from parents' information about students' gender identities at school.

As applied to the school districts, teachers and other district employees now have protections that prevent a supervisor or appointing authority from prohibiting or taking disciplinary action against them for discussing matters of public concern with any member of the governing body (Board) or auditing agency (including the Kansas Division of Legislative Post Audit), reporting a violation of state or federal law, or rule or regulation, to any person, agency or organization (including legislators).

Disciplinary action could be taken against an employee making a false or corrupt claim or disclosing information exempt from disclosure under the Open Records Act or otherwise privileged under state or federal law.

If there is already an administrative appeal process in place, that process will be used initially, subject to further appeal under the Kansas Judicial Review Act. If no administrative process is in place, then an employee may file an action with the district court. The court may award the prevailing party costs, including reasonable attorney fees.

## **Enrollment of Military Students Policy**

This district will facilitate the enrollment of eligible children of military families residing in the household of an active duty member in Kansas in the current or in the immediate succeeding school year. In order to facilitate the on-time graduation of children of military families, the district will provide timely enrollment, appropriate placement in educational programs, including compliance with federal requirements for special education and disabilities services, and allow eligibility for extracurricular participation in extracurricular activities.

### *Enrollment requirements:*

1. Students from member states included in the interstate compact on educational opportunities shall be eligible for enrollment.
2. Education Records: If official education records cannot be released to the parents for the purposes of transfer, the district will accept a set of unofficial education records containing uniform information as determined by the interstate commission. Upon receipt of the unofficial education records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible.
3. Immunizations: Compacting states shall allow 30 days from the date of enrollment or within such time as is reasonably determined under the rules promulgated by the Interstate Commission, for students to obtain any immunizations required by the receiving state.
4. Kindergarten and First grade entrance age - Students shall be allowed to continue their enrollment at grade level in the receiving state commensurate with their grade level from a local education agency in the sending state at the time of transition, regardless of age. A student that has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on their validated level from an accredited school in the sending state.

### *Enrollment Policy terms defined:*

**"Active duty"** - full-time duty status in the active uniformed service of the United States, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. section 1209 and 1211.

**"Children of military families"** - school-aged children, enrolled in kindergarten or any of the grades one through 12, in the household of an active duty member.

**"Deployment"** - the period one month prior to the service members' departure from their home station on military orders through six months after return to their home station.

**"Educational program placement"** - The receiving state school initially shall honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation or placement in like programs in the sending state. Such programs include, but are not limited to, gifted and talented programs and English as a second language (ESL).

**"Educational records"** - those official records, files and data directly related to a student and maintained by the school or local education agency, including but not limited to records encompassing all the material kept in the student's cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols and individualized education programs.

**"Eligibility for extracurricular participation"** - State and local education agencies shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified.

**"Eligible" (parental/guardianship/loco parentis)** - Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent. A local education agency shall be prohibited from charging local tuition to a transitioning military child placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent. A transitioning military child, placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which the child was enrolled while residing with the custodial parent.

**"Extracurricular activities"** - voluntary activities sponsored by the school or local education agency or an organization sanctioned by the local education agency. Extracurricular activities include, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays and club activities.

**"Receiving state"** - the state to which a child of a military family is sent, brought or caused to be sent or brought.

**"Sending state"** - the state from which a child of a military family is sent, brought or caused to be sent or brought.

**"State"** a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands and any other U.S. Territory.

**"Transition"** - (1) the formal and physical process of transferring from school to school or (2) the period of time in which a student moves from one school in the sending state to another school in the receiving state.

**"Uniformed services"** means the army, navy, air force, marine corps, coast guard as well as the commissioned corps of the national oceanic and atmospheric administration and public health services.

## **Participation in Public School Activities by Students Attending Nonpublic Schools or Virtual Schools Policy**

Any student who meets the requirements as outlined below shall be permitted to participate in any activities offered by a [ insert USD #] that are regulated, supervised, promoted, and developed by the Kansas State High School Activities Association ([KSHSAA](#)).

Any student residing in the district and attending a virtual school shall be permitted to participate in any district activities if such student:

- (1) Is a resident of [ insert USD #];
- (2) is enrolled and attending a virtual school as defined by state law in K.S.A. [72-3712](#), or a nonpublic elementary or secondary school;
- (3) complies with the state requirements regarding health certification and inoculations prior to participation in any such activity;
- (4) meets any applicable age and eligibility requirements set forth for the activity by the KSHSAA ([KSHAA Handbook](#)); (See also: Policy Analysis below)
- (5) pays any fees required by [ insert USD #] for participation in such activity if such fees are generally imposed upon all other students who participate in such activity; and
- (6) seeks participation at the appropriate school of the school district that corresponds to where such student resides within the school district's respective school attendance boundaries established by the district school board.

### *Home-Schooled Student Eligibility:*

- (1) Any student attending a *home school* who is a resident of the district seeks to participate in a district activity shall be deemed to meet any academic eligibility requirements established by the activities association for participation in an activity if:
  - (A) the student is maintaining satisfactory progress towards achievement or promotion to the next grade level; and
  - (B) the parent, teacher or organization that provides instruction to the student submits an affidavit or transcript to the activities association indicating the student meets the academic eligibility requirements of subparagraph (A).
- (2) upon submission of an affidavit, the student attending a home school shall be deemed to meet any academic eligibility requirements established by the activities association and shall retain such academic eligibility during the activity season for which such affidavit is submitted.
- (c) Except as provided in subsection (d), a student attending a virtual school as defined in K.S.A. [72-3712](#), and amendments thereto, who seeks to participate in an activity in the student's resident school district shall not be required to enroll in or attend a minimum number of courses at such school district.
- (d) The board of education of a school district may require a student who participates in an activity pursuant to this section to enroll in a particular course or complete a particular course as a condition of participation, if such requirement is imposed upon all other students who participate in such activity.

(e) Except as provided in (1) any student who seeks to participate in an activity pursuant to this section shall be subject to any tryout or other participation requirements that are otherwise applicable to all other students for participation in the activity.

**Analysis of this Policy:**

Any student who withdraws from a school district and subsequently enrolls in an accredited private school, a non-public elementary or secondary school, or a virtual school would be ineligible for full participation in any activities offered by the school district for a period subject to KSHSAA rules, unless the student was eligible and participating in activities at the school from which the student withdrew on the date of withdrawal. Such student could be permitted participation in any qualifying activities, in accordance with the eligibility policies of the school district and [KSHSAA](#).

## Policy Updates for Your Information

### SB 45

This new law requires, for purposes of accreditation, a school district to calculate the 4-year adjusted cohort graduation rate for the district, including virtual schools and exclude students (1) who transferred to and enrolled in the district after completing 8<sup>th</sup> grade and who had not earned sufficient credits to be expected to graduate in the same school year as such student's cohort at the time such student first enrolled in such virtual school; and (2) were enrolled in a virtual school but transferred to a non-accredited private school in Kansas or another state.

The bill was opposed by KASB, claiming this encroached on the SBOE's authority over accreditation. However, once again, the Legislature's authority to make changes to accreditation, and others related education matters, is by virtue of the Kansas Constitution and the SBOE "authority" regarding accreditation is strictly statutory and not constitutional. ([K.S.A. 72-255](#))

### HB 2125

This bill reauthorized the statewide school finance property tax levy at the rate of 20 mills for school years 2025-2026 and 2026-2027.

KSDE Selected 2025 House and Senate Education Bill Summaries: [Report Template](#)