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MEMORANDUM

To: Chairperson Estes
Members of the House Committee on Education

From: The Office of Revisor of Statutes

Date: February 3, 2025

Subject: HB 2033 – Approving certain at-risk educational programs for use by school districts.

House Bill No. 2033 (HB 2033) would amend K.S.A. 72-5153. This statute establishes the at-risk education fund in each school district and governs expenditures from such fund. Such expenditures consist of at-risk and provisional at-risk educational programs, personnel providing services through such programs, support for such personnel to be trained to provide such programs, and contracted services to provide such services.

K.S.A. 72-5153 also requires the State Board of Education (Board) to identify and approve at-risk educational programs that provide best practices and evidence-based instruction to students who are identified as eligible to receive at-risk programs and services that are above and beyond that of a regular education. The Board is to publish and maintain a list of such at-risk programs. School districts are prohibited from expending moneys from their at-risk education funds upon any program that is not on such list, unless the expenditure is on a provisional at-risk educational program and authorized by the Board. If any provisional at-risk educational program is determined to provide evidence-based instruction the Board shall add such program to the list of approved programs.

If a school district is using any program that the Board removes from the list of approved programs, the school district may apply to the Board to continue using the program. Such school district shall demonstrate that the program positively impacted academic achievement in English language arts or mathematics or that such program improved attendance, college and career readiness or the educational climate through a measurable decrease in student discipline or other behavioral issues.

K.S.A. 72-5153 also defines the following terms for the purposes of determining an approved at-risk educational program:

- “Above and beyond” means an at-risk educational program or evidence-based instruction or practice that is provided in excess of regular educational services and based on the needs of students identified as eligible to receive at-risk educational programs and services and may provide a collateral benefit to students who are not so identified without any additional cost.
- “At-risk educational program” means an at-risk program or service that is identified and approved by the state board as providing evidence-based instruction to students who are identified as eligible to receive at-risk educational programs and services above and beyond regular educational services.
- “Evidence-based instruction” means an education delivery practice based on peer reviewed research that consistently produces better student outcomes over a one-year period than would otherwise be achieved by the same students who are identified as eligible to receive at-risk educational programs and services.
- “Provisional at-risk educational program” means an education delivery practice that is identified or developed by a school district as a program or service that is:
 - Provided to students who are identified as eligible to receive at-risk educational programs and services above and beyond regular educational services;
 - producing or likely to produce better student outcomes;
 - subject to school district review to evaluate whether such program provides evidence-based instruction; and
 - is placed on the state board of education’s list of approved at-risk educational programs if the provisional at-risk educational program is shown to provide evidence-based instruction to students who are identified as eligible to receive at-risk educational programs and services.

The statute provides that certain programs and services are required to be on the approved list. Under current law such programs and services are those provided by state-based national nonprofit organizations that:

- Focus on students who are identified as students eligible to receive at-risk program services or who face other identifiable barriers to success;
- Provide evidence-based instruction and support services to such students inside and outside the school setting; and
- Evaluate outcomes data for students, including, but not limited to, school attendance, academic progress, graduation rates, pursuit of postsecondary education or career advancement.

In addition to currently approved programs and services, HB 2033 would include programs and services provided by a nonprofit organization that is accredited by the International Multisensory Structured Language Education Council. Such programs and services would immediately be included on the approved list.

If enacted, HB 2033 would become effective on July 1, 2025.