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Neutral Testimony for HB 2663
House Committee on Education
Frank Harwood, Deputy Commissioner
Kansas State Department of Education

Chair Estes and members of the committee,

Thank you for the opportunity to provide testimony regarding House Bill 2663 amending the at-risk accountability plans. Following the 2024 Legislative session, the Kansas State Department of Education convened a pilot group of 11 school districts to participate in the At-Risk Accountability Pilot. Pilot districts met over the course of the interim and separated into subcommittees to develop recommendations on requirements for expenditure reporting and cohort development. The Pilot districts' recommendations for changes to the at-risk accountability statute are as follows:

Cohort Formation Future Legislative Recommendations

Required Third Grade Cohort:

1. K.S.A. 72-3574(b) requires each school district to establish two cohorts, and one cohort is required to be third grade students. The district must establish a quantitative academic improvement goal based on ELA and math state assessments. However, students in third grade will not have yet taken the state assessment. This would make it difficult for school districts to establish a data-informed academic improvement goal at the beginning of the school year.
 - a. The subcommittee recommends the following changes:
 - i. Change the required grade level to fourth grade; or
 - ii. Allow the cohort to be identified in third grade, but delay setting the goal until after the third grade assessment results are available.

Required Free Lunch Cohort:

2. K.S.A. 72-3574(b) also requires school districts designate one of the two required cohorts as free lunch students and set an academic improvement goal for such students. The United State Department of Agriculture restricts unauthorized disclosure and collection of student data, including free lunch eligibility. Additionally, free lunch eligibility is not equivalent to at-risk status, and not all free-lunch eligible students receive at-risk services or interventions. In order to administer the designated interventions for the cohort group with fidelity, it would be essential for the teachers to know which students need to receive the interventions. Due to student data privacy requirements, teachers would not know which students in their classroom receive free lunch.

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The subcommittee recommends eliminating the requirement for a free-lunch-based cohort. Instead, both required cohorts should be based on at-risk status, ensuring that all students in the cohort are receiving the appropriate interventions. Data on free-lunch students may still be evaluated and reported by the Kansas State Department of Education after the cohorts are formed, provided it complies with all applicable student data privacy regulations.

Districts that are Unable to form a reportable cohort:

1. K.S.A. 72-3574(b) also requires school districts to establish cohorts that are at least 11 students to ensure they are reportable in accordance with student data privacy requirements at the end of the four year evaluation period. Based on 2025 enrollment data, 135 districts in Kansas do not have at least 11 at-risk third graders to form a cohort. Additionally, there are 35 districts that do not have at least 11 third grade students and 44 districts that do not have 11 at-risk students across all grades. Further, 171 districts would be able to establish a cohort of 11, but according to their attrition rates, would not have a reportable cohort at the end of the evaluation period. Given, these figures, many Kansas school districts are unable to meet the legislative requirement as currently written.

The subcommittee recommends allowing districts that are unable to meet this requirement to work with the Kansas State Department of Education to determine an appropriate alternative such as establishing whole-grade or school-level cohorts.

Goal Setting Future Legislative Recommendations

Clarify the Number of Required Goals:

1. K.S.A. 72-3574(c)(1) states that each school district to establish "*a four-year quantitative goal for each identified student cohort group... the academic improvement goal established for a cohort group pursuant to this section shall be related to the achievement of academic proficiency in the areas of English Language Arts and mathematics*". It is unclear whether the legislation requires a single four-year academic improvement goal for each cohort or two goals. If the legislative intent is for each district to establish one goal, it is also unclear if the district can focus on one subject or must combine English Language Arts and Math performance into a single goal. The subcommittee also noted the difficulty that would arise if the cohorts were required to identify two to four total interventions to be used for two separate goals on two separate subjects.

The subcommittee recommends requiring one goal for each cohort and allowing the district to choose either an English Language Arts or a Math goal.

For more information, contact:

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