

**HOUSE BILL No. 2540**

By Committee on K-12 Education Budget

1-31

1 AN ACT concerning school districts; relating to the Kansas school equity  
2 and enhancement act; requiring certain expenditures from school  
3 district at-risk education funds; amending K.S.A. 72-5151 and K.S.A.  
4 2019 Supp. 72-5153 and repealing the existing sections.

5  
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 72-5151 is hereby amended to read as follows: 72-  
8 5151. (a) The at-risk student weighting of each school district shall be  
9 determined by the state board as follows:

10 (1) Determine the number of at-risk students included in the  
11 enrollment of the school district; and

12 (2) multiply the number determined under subsection (a)(1) by 0.484.  
13 The resulting sum is the at-risk student weighting of the school district.

14 (b) Except as provided in subsection (b)(4), the high-density at-risk  
15 student weighting of each school district shall be determined by the state  
16 board as follows:

17 (1) (A) If the enrollment of the school district is at least 35% at-risk  
18 students, but less than 50% at-risk students:

19 (i) Subtract 35% from the percentage of at-risk students included in  
20 the enrollment of the school district;

21 (ii) multiply the difference determined under subsection (b)(1)(A)(i)  
22 by 0.7; and

23 (iii) multiply the product determined under subsection (b)(1)(A)(ii)  
24 by the number of at-risk students included in the enrollment of the school  
25 district; or

26 (B) if the enrollment of the school district is 50% or more at-risk  
27 students, multiply the number of at-risk students included in the  
28 enrollment of the school district by 0.105; or

29 (2) (A) if the enrollment of a school in the school district is at least  
30 35% at-risk students, but less than 50% at-risk students:

31 (i) Subtract 35% from the percentage of at-risk students included in  
32 the enrollment of such school;

33 (ii) multiply the difference determined under subsection (b)(2)(A)(i)  
34 by 0.7; and

35 (iii) multiply the product determined under subsection (b)(2)(A)(ii)  
36 by the number of at-risk students included in the enrollment of such

1 school; or

2 (B) if the enrollment of a school in the school district is 50% or more  
3 at-risk students, multiply the number of at-risk students included in the  
4 enrollment of such school by 0.105; and

5 (C) add the products determined under subsections (b)(2)(A)(iii) and  
6 (b)(2)(B) for each such school in the school district, respectively.

7 (3) The high-density at-risk *student* weighting of the school district  
8 shall be the greater of the product determined under subsection (b)(1) or  
9 the sum determined under subsection (b)(2)(C).

10 (4) ~~Commencing in school year 2018-2019,~~ School districts that  
11 qualify to receive the high-density at-risk *student* weighting pursuant to  
12 this section shall spend any money attributable to the school district's high-  
13 density at-risk *student* weighting on the at-risk best practices developed by  
14 the state board pursuant to K.S.A. 72-5153(d), and amendments thereto. If  
15 a school district that qualifies for the high-density at-risk *student*  
16 weighting does not spend such money on such best practices, the state  
17 board shall notify the school district that it shall either spend such money  
18 on such best practices or shall show improvement within five years of  
19 notification. Improvement shall include, but not be limited to, the  
20 following: (A) The percentage of students at grade level on state math and  
21 English language arts assessments; (B) the percentage of students that are  
22 college and career ready on state math and English language arts  
23 assessments; (C) the average composite ACT score; or (D) the four-year  
24 graduation rate. If a school district does not spend such money on such  
25 best practices and does not show improvement within five years, the  
26 school district shall not qualify to receive the high-density at-risk *student*  
27 weighting in the succeeding school year.

28 (5) The provisions of this subsection shall expire on July 1, 2020.

29 (c) *Upon a school district's receipt of state foundation aid, that*  
30 *portion of such state foundation aid that is directly attributable to such*  
31 *school district's at-risk student weighting and high-density at-risk student*  
32 *weighting, if any, shall be transferred to the district's at-risk education*  
33 *fund established under K.S.A. 72-5153, and amendments thereto.*

34 Sec. 2. K.S.A. 2019 Supp. 72-5153 is hereby amended to read as  
35 follows: 72-5153. (a) There is hereby established in every school district  
36 an at-risk education fund, ~~which~~ *that* shall consist of all moneys deposited  
37 therein or transferred thereto according to law. The expenses of a school  
38 district directly attributable to providing at-risk student assistance or  
39 programs shall be paid from the at-risk education fund.

40 (b) Any balance remaining in the at-risk education fund at the end of  
41 the budget year shall be carried forward into the at-risk education fund for  
42 succeeding budget years. Such fund shall not be subject to the provisions  
43 of K.S.A. 79-2925 through 79-2937, and amendments thereto. In preparing

1 the budget of such school district, the amounts credited to and the amount  
 2 on hand in the at-risk education fund, and the amount expended therefrom  
 3 shall be included in the annual budget for the information of the residents  
 4 of the school district. Interest earned on the investment of moneys in any  
 5 such fund shall be credited to that fund.

6 ~~(c) Commencing in school year 2018-2019,~~ Expenditures from the at-  
 7 risk education fund of a school district shall only be made for the  
 8 following purposes:

9 (1) At-risk educational programs ~~based on best practices identified~~  
 10 ~~pursuant to subsection (d);~~

11 (2) personnel providing educational services in conjunction with such  
 12 programs; or

13 (3) services contracted for by the school district to provide ~~at-risk~~  
 14 ~~educational~~ *such* programs ~~based on best practices identified pursuant to~~  
 15 ~~subsection (d).~~

16 (d) (1) The state board shall identify and approve evidence-based  
 17 best practices for at-risk *educational* programs and instruction of students  
 18 receiving at-risk program services. ~~On and after July 1, 2019,~~ Such best  
 19 practices shall include, but not be limited to, programs and services  
 20 provided by state-based national nonprofit organizations that:

21 (A) Focus on students who are identified as students eligible to  
 22 receive at-risk program services or who face other identifiable barriers to  
 23 success;

24 (B) provide evidence-based instruction and support services to such  
 25 students inside and outside the school setting; and

26 (C) evaluate outcomes data for students, including, but not limited to,  
 27 school attendance, academic progress, graduation rates, pursuit of  
 28 postsecondary education or career advancement.

29 (2) The state board shall review and update such best practices as  
 30 necessary and as part of its five-year accreditation system review process.

31 (3) *The state board shall provide a list of approved at-risk*  
 32 *educational programs to each school district. No expenditure shall be*  
 33 *made from a school district's at-risk education fund for any program or*  
 34 *service that is not included on the list of approved at-risk educational*  
 35 *programs. The department shall publish the list on the department's*  
 36 *website with a link to such list prominently displayed on the website*  
 37 *homepage.*

38 (e) Each year the board of education of each school district shall  
 39 prepare and submit to the state board a report on the ~~assistance or~~ *at-risk*  
 40 *educational* programs provided by the school district for students  
 41 identified as eligible to receive at-risk program services. Such report shall  
 42 include:

43 (1) The number of students identified as eligible to receive at-risk

1 *educational program services who were served or provided assistance;*

2 (2) *the type of service at-risk educational program services provided,*  
3 *including the number of students served or provided assistance under each*  
4 *program;*

5 (3) *the research upon which the school district relied in determining*  
6 *that a need for service or assistance existed;*

7 (4) *the results of providing such service or assistance, including*  
8 *specific academic performance progress achieved through each program*  
9 *provided; and*

10 (5) *any other information required by the state board.*

11 (f) *In order to achieve uniform reporting of the number of students*  
12 *provided service or assistance by school districts in at-risk student*  
13 *programs, school districts shall report the number of students served or*  
14 *assisted in the manner required by the state board.*

15 (g) *As used in this section, the term:*

16 (1) *"At-risk educational program" means an at-risk program or*  
17 *service that is identified and approved by the state board as an evidence-*  
18 *based best practice pursuant to subsection (d); and*

19 (2) *"evidence-based instruction" means an education delivery system*  
20 *based on peer-reviewed research that consistently produces better student*  
21 *outcomes over a five-year period than would otherwise be achieved by the*  
22 *same students who are receiving at-risk program services.*

23 Sec. 3. K.S.A. 72-5151 and K.S.A. 2019 Supp. 72-5153 are hereby  
24 repealed.

25 Sec. 4. This act shall take effect and be in force from and after its  
26 publication in the statute book.