

As Amended by House Committee

Session of 2020

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 **2025**.

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

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

41 (b) Any balance remaining in the at-risk education fund at the end of
42 the budget year shall be carried forward into the at-risk education fund for
43 succeeding budget years. Such fund shall not be subject to the provisions

1 of K.S.A. 79-2925 through 79-2937, and amendments thereto. In preparing
2 the budget of such school district, the amounts credited to and the amount
3 on hand in the at-risk education fund, and the amount expended therefrom
4 shall be included in the annual budget for the information of the residents
5 of the school district. Interest earned on the investment of moneys in any
6 such fund shall be credited to that fund.

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

10 (1) At-risk **and provisional at-risk** educational programs ~~based on~~
11 ~~best practices identified pursuant to subsection (d)~~;

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

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

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

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

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

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

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

32 (3) *The state board shall provide a list of approved at-risk*
33 *educational programs to each school district. No expenditure shall be*
34 *made from a school district's at-risk education fund for any program or*
35 *service that is not included on the list of approved at-risk educational*
36 *programs, unless such program is a provisional at-risk educational*
37 **program. Expenditures shall only be made for a provisional at-risk**
38 **educational program for the first year such program is implemented**
39 **by a school district. The state board shall review any such provisional**
40 **at-risk educational program, and if such program satisfies the state**
41 **board's requirements as an evidence-based best practice, then such**
42 **program shall be included in the list of approved at-risk educational**
43 **programs. The department shall publish the list on the department's**

1 *website with a link to such list prominently displayed on the website*
2 *homepage.*

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

8 (1) The number of students identified as eligible to receive at-risk **or**
9 **provisional at-risk** educational program services who were served or
10 provided assistance,;

11 (2) the type of ~~service~~ **at-risk and provisional at-risk** educational
12 *program services* provided, *including the number of students served or*
13 *provided assistance under each program;*

14 (3) the research upon which the school district relied in determining
15 that a need for service or assistance existed,;

16 (4) the results of providing such service or assistance **by a**
17 **comparison of students receiving such service or assistance with all**
18 **other students**, *including specific academic performance progress*
19 *achieved through each program provided*, **attendance and, if applicable,**
20 **state assessment score, four-year graduation rate and average ACT**
21 **composite score;** and

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

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

27 (g) As used in this section, ~~the term:~~

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

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

35 (3) "**provisional at-risk educational program**" means an
36 **evidence-based at-risk program or service identified by a school**
37 **district as producing or likely to produce measurable success that has**
38 **been submitted to the state board for review pursuant to subsection**
39 **(d).**

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

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