

SESSION OF 2020

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2540

As Amended by House Committee of the Whole

Brief*

HB 2540, as amended, would amend the Kansas School Equity and Enhancement Act regarding the funding and provision of services for at-risk students.

High-Density At-Risk Weighting

The bill would extend the sunset for the high-density at-risk weighting to July 1, 2025. The weighting is currently scheduled to expire on July 1, 2020.

Required Transfer

The bill would require school districts to transfer all of the moneys attributable to the at-risk weighting from their general funds to their at-risk funds.

Approval of At-Risk Educational Programs

The bill would amend law requiring the State Board of Education (State Board) to identify and approve at-risk educational programs as evidence-based best practices. The bill would require the State Board to provide a list of approved at-risk programs to each school district. The bill would require the list of approved programs to be published on the website of the Kansas State Department of Education (KSDE). A school district would be prohibited from making an

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

expenditure from its at-risk fund for any program or service that is not included on the approved list of programs, unless the program is categorized as a provisional at-risk educational program. The bill would define “provisional at-risk educational program” as an evidence-based at-risk program identified by a school district as likely to produce measurable success and that has been submitted to the State Board for review. The bill would authorize a school district to make expenditures from its at-risk fund for provisional at-risk educational programs for one year. The State Board would be required to review any such provisional programs and then include such program on the list of approved at-risk programs if it meets the State Board’s requirements as an evidence-based best practice.

Reporting Requirements

The bill would amend at-risk reporting requirements for school districts. School districts would be required to report the number of students served under each at-risk educational program. The bill would also require school districts to compare student performance for students receiving at-risk services with performance for all other students. Student performance indicators would include attendance, state assessment scores, four-year graduation rate, and average ACT composite score.

School Finance Audits

The bill would amend the planned schedule of school finance audits to be completed by the Legislative Division of Post Audit (LPA). The bill would add an audit of at-risk education expenditures during FY 2023. The bill would require the audit to include an evaluation of how school districts are expending moneys for at-risk education and would also evaluate the academic outcomes of students receiving at-risk services. The new audit schedule would be as follows:

- FY 2021: School district unencumbered cash balances and bilingual education;
- FY 2023: Virtual school programs and at-risk education; and
- FY 2024: Cost-function performance audit.

Background

The bill was introduced by the House Committee on K-12 Education Budget at the request of Representative Erickson.

In the House Committee hearing on the bill, proponent testimony was provided by a representative of the Kansas Policy Institute. The representative stated a clearer list of approved at-risk programs was needed and the State Board should identify what at-risk programs are working so other school districts can adopt successful programs.

Opponent testimony was provided by representatives of the Kansas Association of School Boards and the Kansas National Education Association. The opponents generally agreed school districts should have flexibility in determining what at-risk programs are best suited for local circumstances and it would be difficult to identify the effects of multiple at-risk programs on student performance. Written-only opponent testimony was provided by representatives of USD 229 (Blue Valley), USD 233 (Olathe), and USD 501 (Topeka).

No other testimony was provided.

The House Committee amended the bill to:

- Extend the sunset on the high-density at-risk weighting to July 1, 2025;

- Allow school districts to make expenditures from their at-risk funds for provisional at-risk educational programs and to require the State Board to review any such programs for addition to the list of approved at-risk programs; and
- Require school districts to compare student performance for students receiving at-risk services with the performance of all other students.

The House Committee of the Whole amended the bill to require LPA audit at-risk education expenditures during FY 2023.

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, the KSDE indicates enactment of the bill would require expenditures of \$92,580, all from the State General Fund, and 1.0 FTE position for a research analyst who would research and monitor at-risk educational programs and publish the list of approved at-risk programs. This includes \$85,580 for salaries and wages, including fringe benefits, and \$7,000 for other operating expenditures including rent, office supplies, and communication expenditures. Any fiscal effect associated with the bill is not reflected in *The FY 2021 Governor's Budget Report*.