

SESSION OF 2020

**SUPPLEMENTAL NOTE ON SENATE SUBSTITUTE FOR
HOUSE BILL NO. 2540**

As Recommended by Senate Committee on
Education

Brief*

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

Students Eligible to Receive At-Risk Services

The bill would specify the criteria to determine if a student is eligible to receive at-risk services. To be eligible, a student would have to meet one or more of the following:

- Is not working on academic grade level;
- Is not meeting the requirements necessary for promotion to the next grade or is failing subjects or courses of study;
- Is not meeting the requirements necessary for graduation from high school or has the potential to drop out of school;
- Has insufficient master of skills or is not meeting state standards;
- Has been retained;
- Has a high rate of absenteeism;

*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>

- Has repeated suspensions or expulsions from school;
- Is homeless or a migrant;
- Is identified as an English language learner;
- Has social-emotional needs that cause the student to be unsuccessful in school; or
- Is identified as a student with dyslexia.

High-Density At-Risk Weighting

The bill would extend the sunset for the high-density at-risk weighting to July 1, 2023. The weighting is currently scheduled to expire on July 1, 2020.

Statement of Purpose for At-Risk Funding

The bill would state the purpose of the at-risk student weighting and the high-density at-risk student weighting is to provide at-risk students with evidence-based instructional services in addition to regular educational services.

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.

Allowable At-Risk Expenditures

The bill would allow school districts to make expenditures out of their at-risk funds for supports for instructional personnel designed to provide training for evidence-based best practices for at-risk education.

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 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 or developed 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 up to three years. 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.

The bill would also identify at-risk or provisional at-risk programs or services a school district could use. These would include, but not be limited to:

- Extended school year;
- Before-school programs;
- After-school programs;
- Summer school;

- Extra support within a class;
- Tutorial assistance; and
- Class within a class.

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 by the district's at-risk educational program and the data and research used by the district in determining what programs and services were needed to implement the at-risk educational program. The bill would also require school districts to track and report the longitudinal performance of students that are continuously receiving at-risk services. This may include data regarding state assessment scores, Kansas English language proficiency assessment results, four-year graduation rates, progress monitoring, norm-referenced test results, criterion-based test results, individualized education program (IEP) goals, attendance, and average ACT composite scores.

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 (House Committee) at the request of Representative Erickson.

In the House Committee hearing, 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 (KASB) and the Kansas National Education Association (KNEA). 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.

In the Senate Committee on Education (Senate Committee) hearing, proponent testimony was provided by a representative of the Kansas Policy Institute. The representative stated the Legislature should make sure at-risk moneys are benefiting at-risk students and encouraged the Legislature to give clear instruction to the KSDE and school districts. Written-only proponent testimony was provided by representatives of USD 501 (Topeka).

Opponent testimony was provided by a representative of the State Board. The representative opposed the school district reporting requirements and encouraged the consideration of metrics beyond academics when analyzing the success of at-risk programs.

Neutral testimony was provided by representatives of KASB and KNEA. The representatives supported the extension of the high-density at-risk weighting, but expressed concerns with the restrictions on school district spending included in the bill. Written-only neutral testimony was provided by a representative of USD 512 (Shawnee Mission).

The Senate Committee amended the bill to:

- Adjust the sunset on the high-density at-risk weighting to July 1, 2023;
- Allow school districts to spend moneys from their at-risk funds on training for instructional personnel

in evidence-based best practices for at-risk education;

- Extend the amount of time a school district may make expenditures on provisional at-risk education programs to three years;
- Require school districts to report the number of students served by a district's at-risk program; [Note: As amended by the House Committee of the Whole, the bill required school districts to report the number of students served by each individual at-risk educational program.]
- Require school districts to report the data and research a school district used in determining what programs and services were needed to implement the district's at-risk program; [Note: As amended by the House Committee of the Whole, the bill required school districts to report the research a school district relied on in determining that a need for at-risk services existed.]
- Require school districts to track and report the longitudinal performance of at-risk students and to include progress monitoring, norm-reference test results, criterion-based test results, and IEP goals as performance metrics school districts may track;
- List the criteria to determine if a student is eligible to receive at-risk services;
- Include a statement of purpose regarding the high-density weighting and the high-density at-risk weighting; and
- Identify at-risk and provisional at-risk programs school districts may use.

The Senate Committee recommended a substitute bill.

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*.