

HOUSE BILL No. 2033

AN ACT concerning education; relating to at-risk educational programs; including programs and services provided by nonprofit organizations accredited by the international multisensory structured language education council as approved at-risk educational programs; amending K.S.A. 2024 Supp. 72-5153 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2024 Supp. 72-5153 is hereby amended to read as follows: 72-5153. (a) There is hereby established in every school district an at-risk education fund that shall consist of all moneys deposited therein or transferred thereto according to law. The expenses of a school district directly attributable to providing at-risk student assistance or programs shall be paid from the at-risk education fund.

(b) Any balance remaining in the at-risk education fund at the end of the budget year shall be carried forward into the at-risk education fund for succeeding budget years. Such fund shall not be subject to the provisions of K.S.A. 79-2925 through 79-2937, and amendments thereto. In preparing the budget of such school district, the amounts credited to and the amount on hand in the at-risk education fund, and the amount expended therefrom shall be included in the annual budget for the information of the residents of the school district. Interest earned on the investment of moneys in any such fund shall be credited to that fund.

(c) Expenditures from the at-risk education fund of a school district shall only be made for the following purposes:

(1) At-risk and provisional at-risk educational programs that are provided above and beyond regular educational services to students who are identified as at-risk;

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

(3) support for instructional classroom personnel designed to provide training for evidence-based best practices for at-risk educational programs; or

(4) services contracted for by the school district to provide such at-risk and provisional at-risk educational programs.

(d) (1) The state board shall identify, approve and provide a list of at-risk educational programs that provide best practices and evidence-based instruction to students who are identified as eligible to receive at-risk programs and services that school districts shall use to provide at-risk educational programs to students who are identified as eligible to receive at-risk programs and services above and beyond that of a regular education. Such list of approved at-risk educational programs shall include, but not be limited to, programs and services provided by:

(A) State-based national nonprofit organizations that:

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

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

~~(C)~~(iii) evaluate outcomes data for students, including, but not limited to, school attendance, academic progress, graduation rates, pursuit of postsecondary education or career advancement; and

(B) any other nonprofit organization that is accredited by the international multisensory structured language education council.

(2) The state board shall review and update such online at-risk best practices list as necessary. The department shall publish such list of approved at-risk educational programs on the department's website with a link to such list prominently displayed on the department's website homepage.

(3) (A) No expenditure shall be made from a school district's at-risk education fund for any program or service that is not included on the list of approved at-risk educational programs unless the expenditure is made for a provisional at-risk educational program.

(B) The state board of education may authorize a school district to make expenditures from the school district's at-risk education fund to

commence and implement a provisional at-risk educational program. The state board shall approve any provisional at-risk educational program prior to the implementation of the provisional at-risk educational program by a school district. Any provisional at-risk educational program approved by the state board and implemented by a school district shall be subject to school district review while such program is implemented in the school district to evaluate whether the program is producing or likely to produce measurable success. If any provisional at-risk educational program is determined by the state board to provide evidence-based instruction, the state board shall include such program or service on the list of approved at-risk educational programs.

(C) If the state board removes any program or service from the state board's list of approved at-risk educational programs and services, a school district that is implementing any such program or service may apply to the state board to continue to make expenditures from the school district's at-risk education fund for such program or service. When considering any such application, the state board shall require such school district to demonstrate that any of the following improvements are directly attributable to the program or service:

(i) Academic improvement in either mathematics or English language arts; or

(ii) an improvement in attendance, college and career readiness measures or the educational climate through a measurable decrease in detentions, expulsions, tardiness or other behavioral issues that hinder student learning.

(4) School districts shall provide at-risk educational programs and services to provide students identified as eligible to receive at-risk programs and services with additional educational opportunities, interventions and evidence-based instructional services above and beyond regular educational services.

(e) As used in this section:

(1) "Above and beyond" means an at-risk educational program or evidence-based instruction or practice that is provided in excess of regular educational services and based on the needs of students identified as eligible to receive at-risk educational programs and services and may provide a collateral benefit to students who are not so identified without any additional cost.

(2) "At-risk educational program" means an at-risk program or service that is identified and approved by the state board as providing evidence-based instruction to students who are identified as eligible to receive at-risk educational programs and services above and beyond regular educational services.

(3) "Evidence-based instruction" means an education delivery practice based on peer reviewed research that consistently produces better student outcomes over a one-year period than would otherwise be achieved by the same students who are identified as eligible to receive at-risk educational programs and services.

(4) "Provisional at-risk educational program" means an education delivery practice that is identified or developed by a school district as a program or service that is:

(A) Provided to students who are identified as eligible to receive at-risk educational programs and services above and beyond regular educational services;

(B) producing or likely to produce better student outcomes;

(C) subject to school district review to evaluate whether such program provides evidence-based instruction; and

(D) is placed on the state board of education's list of approved at-risk educational programs if the provisional at-risk educational program is shown to provide evidence-based instruction to students who are identified as eligible to receive at-risk educational programs and services.

Sec. 2. K.S.A. 2024 Supp. 72-5153 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and passed that body

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.