

SENATE BILL No. 173

By Committee on Education

2-8

1 AN ACT concerning school districts; relating to the Kansas school equity
2 and enhancement act; requiring school districts to make certain
3 transfers to at-risk education funds; authorizing certain expenditures
4 from at-risk education funds; extending the high-density at-risk student
5 weighting; providing requirements for identification of students eligible
6 to receive at-risk programs and services; requiring a performance audit
7 for at-risk education; amending K.S.A. 72-5151 and K.S.A. 2020 Supp.
8 72-5131, 72-5153 and 72-5173 and repealing the existing sections.
9

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

11 New Section 1. (a) To assist students identified as eligible to receive
12 at-risk educational programs and services in meeting state board of
13 education outcome goals, the state board of education shall require school
14 districts to implement at-risk educational programs and services that
15 provide additional educational opportunities, interventions and evidence-
16 based instruction using the at-risk best practices identified pursuant to
17 K.S.A. 72-5153, and amendments thereto.

18 (b) A student shall be identified as eligible to receive at-risk programs
19 and services if the student meets one or more of the following criteria:

- 20 (1) Is not working on academic grade level;
- 21 (2) is not meeting the requirements necessary for promotion to the
22 next grade or is failing subjects or courses of study;
- 23 (3) is not meeting the requirements necessary for graduation from
24 high school or has the potential to drop out of school;
- 25 (4) has insufficient mastery of skills or is not meeting state standards;
- 26 (5) has been retained;
- 27 (6) has a high rate of absenteeism;
- 28 (7) has repeated suspensions or expulsions from school;
- 29 (8) is homeless or migrant;
- 30 (9) is identified as an English language learner;
- 31 (10) has social-emotional needs that cause the student to be
32 unsuccessful in school; or
- 33 (11) is identified as a student with dyslexia *or characteristics of*
34 *dyslexia.*

35 (c) This section shall be a part of and supplemental to the Kansas
36 school equity and enhancement act.

1 Sec. 2. K.S.A. 2020 Supp. 72-5131 is hereby amended to read as
2 follows: 72-5131. K.S.A. 72-5131 ~~through 72-5176, and amendments~~
3 ~~thereto, and K.S.A. 2019 Supp. 72-5178 and 72-5179 et seq., and~~
4 amendments thereto, shall be known and may be cited as the Kansas
5 school equity and enhancement act.

6 Sec. 3. K.S.A. 72-5151 is hereby amended to read as follows: 72-
7 5151. (a) The at-risk student weighting of each school district shall be
8 determined by the state board as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (3) The high-density at-risk *student* weighting of the school district
43 shall be the greater of the product determined under subsection (b)(1) or

1 the sum determined under subsection (b)(2)(C).

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

25 ~~(5) The provisions of This subsection shall expire on July 1, 2020~~
26 ~~2023.~~

27 *(c) The purpose of the at-risk student weighting and the high-density*
28 *at-risk student weighting is to provide students identified as eligible to*
29 *receive at-risk programs and services with evidence-based educational*
30 *services in addition to regular instructional services.*

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

36 Sec. 4. K.S.A. 2020 Supp. 72-5153 is hereby amended to read as
37 follows: 72-5153. (a) There is hereby established in every school district
38 an at-risk education fund, ~~which~~ that shall consist of all moneys deposited
39 therein or transferred thereto according to law. The expenses of a school
40 district directly attributable to providing at-risk student assistance or
41 programs shall be paid from the at-risk education fund.

42 (b) Any balance remaining in the at-risk education fund at the end of
43 the budget year shall be carried forward into the at-risk education fund for

1 succeeding budget years. Such fund shall not be subject to the provisions
2 of K.S.A. 79-2925 through 79-2937, and amendments thereto. In preparing
3 the budget of such school district, the amounts credited to and the amount
4 on hand in the at-risk education fund, and the amount expended therefrom
5 shall be included in the annual budget for the information of the residents
6 of the school district. Interest earned on the investment of moneys in any
7 such fund shall be credited to that fund.

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

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

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

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

18 (4) services contracted for by the school district to provide *at-risk*
19 *and provisional at-risk educational programs based on best practices*
20 *identified pursuant to subsection (d).*

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

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

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

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

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

36 (3) *The state board shall provide a list of approved at-risk*
37 *educational programs to each school district. The department shall*
38 *publish the list on the department's website with a link to such list*
39 *prominently displayed on the website homepage.*

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

1 (B) Expenditures shall only be made for a provisional at-risk
2 educational program for a period not to exceed three years after
3 implementation of such provisional at-risk educational program by a
4 school district. The state board shall review any such provisional at-risk
5 educational program, and if such program satisfies the state board's
6 requirements as an evidence-based best practice, then such program shall
7 be included in the list of approved at-risk educational programs.

8 (5) The purpose of the at-risk and provisional at-risk educational
9 programs and services is to provide students identified as eligible to
10 receive at-risk programs and services with additional educational
11 opportunities, interventions and evidence-based instructional services
12 above and beyond regular educational services.

13 (6) Delivery of at-risk and provisional at-risk programs or services
14 by a school district may include, but shall not be limited to, the following:

15 (A) Extended school year;

16 (B) before-school programs and services;

17 (C) after-school programs and services;

18 (D) summer school;

19 (E) extra support within a class;

20 (F) tutorial assistance; and

21 (G) class within a class.

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

27 (1) The number of students identified as eligible to receive at-risk or
28 provisional at-risk educational program services who were served or
29 provided assistance;;

30 (2) the type of ~~service~~ at-risk and provisional at-risk educational
31 programs and services provided, including the number of students
32 provided assistance under the district's approved at-risk program;

33 (3) the data and research ~~upon which~~ the school district ~~relied~~
34 utilized in determining that a need for service or assistance existed, the
35 results of providing such service or assistance— what programs and
36 services were needed to implement the approved at-risk program;

37 (4) the district shall track and report the longitudinal performance of
38 students that are continuously receiving at-risk programs and services in
39 the district's approved at-risk program and, if applicable, may include
40 data regarding state assessment scores, Kansas English language
41 proficiency assessment results, four-year graduation rates, progress
42 monitoring, norm-referenced test results, criterion-based test results,
43 individualized education program goals, attendance and average ACT

1 *composite scores; and*

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

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

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

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

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

15 (3) "*provisional at-risk educational program*" means an evidence-
16 based at-risk educational program or service identified or developed by a
17 school district as producing or likely to produce measurable success that
18 has been submitted to the state board for review pursuant to subsection
19 (d).

20 Sec. 5. K.S.A. 2020 Supp. 72-5173 is hereby amended to read as
21 follows: 72-5173. The legislative post audit committee shall direct the
22 legislative division of post audit to conduct the following performance
23 audits in the fiscal year specified:

24 (a) A performance audit of transportation services funding. The audit
25 should include a comparison of the amount of transportation services
26 funding school districts receive to the cost of providing transportation
27 services. This performance audit shall be conducted during fiscal year
28 2018, and the final audit report shall be submitted to the legislature on or
29 before January 15, 2018.

30 (b) A performance audit of at-risk education funding. The audit
31 should evaluate the method of counting students for at-risk education
32 funding, the level of the at-risk student weighting and high-density at-risk
33 student weighting under the act and how school districts are expending
34 moneys provided for at-risk education. This performance audit shall be
35 conducted during fiscal year 2020, and the final audit report shall be
36 submitted to the legislature on or before January 15, 2020.

37 (c) A performance audit of bilingual education funding. The audit
38 should evaluate the method of counting students for bilingual education
39 funding, the level of the bilingual weighting under the act and how school
40 districts are expending moneys provided for bilingual education. This
41 performance audit shall be conducted during fiscal year 2021, and the final
42 audit report shall be submitted to the legislature on or before January 15,
43 2021.

1 (d) A study of statewide virtual school programs administered in
2 other states. The study shall include, but not be limited to, the following:

3 (1) The aggregate cost incurred by each state administering a virtual
4 school program, and the cost incurred by individual school districts or
5 schools within each state;

6 (2) the resources necessary for the implementation of each virtual
7 school program, including, but not limited to, personnel, equipment,
8 software and facility usage;

9 (3) the scope of each virtual school program; and

10 (4) the effectiveness of each virtual school program with respect to
11 student performance and outcomes.

12 The study shall be conducted during fiscal year 2023, and the final
13 study report shall be submitted to the legislature on or before January 15,
14 2023.

15 (e) A performance audit of the unencumbered cash balances held in
16 all funds by each school district. The audit should evaluate the annual
17 accumulations of unencumbered cash balances for the preceding 10 years,
18 the annual expenditures of such moneys and how school districts are
19 expending such moneys. This performance audit shall be conducted no
20 later than fiscal year 2021, and the final audit report shall be submitted to
21 the legislature on or before January 15, 2021.

22 (f) (1) A performance audit to provide a reasonable estimate of the
23 cost of providing educational opportunities for every public school student
24 in Kansas to achieve the performance outcome standards adopted by the
25 state board of education. This performance audit shall be conducted during
26 fiscal year 2024, and the final report submitted to the legislature on or
27 before January 15, 2024.

28 (2) The performance audit required under this subsection shall:

29 (A) Include reasonable estimates of the costs of providing specialized
30 education services as required by law, including, but not limited to,
31 bilingual education and at-risk programs; and

32 (B) account for other factors which may contribute to variations in
33 costs incurred by school districts, including, but not limited to, total
34 district enrollment and geographic location within the state.

35 (3) In conducting the performance audit required under this
36 subsection:

37 (A) Any examination of historical data and expenditures shall correct
38 any recognized inadequacy of such data or expenditure through a
39 statistically valid method of extrapolation; and

40 (B) subject to the limitations of the division of legislative post audit
41 budget and appropriations therefor, the legislative post auditor may enter
42 into contracts with consultants as the post auditor deems necessary.

43 (g) A performance audit to provide a reasonable estimate of the costs

1 of providing special education and related services, including, but not
2 limited to, other factors which may contribute to variations in costs
3 incurred by school districts. This performance audit shall be conducted
4 during fiscal year 2019, and the final audit report shall be submitted to the
5 legislature on or before January 15, 2019.

6 *(h) A performance audit of at-risk education expenditures. The audit*
7 *should evaluate how school districts are expending moneys provided for*
8 *at-risk education, whether those expenditures comply with statutory*
9 *provisions and whether the state board of education and the department of*
10 *education are acting in accordance with statutory provisions related to at-*
11 *risk expenditures and programs. This audit should also evaluate the trends*
12 *in the academic outcomes of students receiving at-risk education program*
13 *services. This performance audit shall be conducted during calendar year*
14 *~~2022~~2023, and the final audit report shall be submitted to the legislature*
15 *on or before January 15, ~~2023~~ 2024.*

16 Sec. 6. K.S.A. 72-5151 and K.S.A. 2020 Supp. 72-5131, 72-5153 and
17 72-5173 are hereby repealed.

18 Sec. 7. This act shall take effect and be in force from and after its
19 publication in the statute book.