HOUSE BILL No. 2540

By Committee on K-12 Education Budget

AN ACT concerning school districts; relating to the Kansas school equity and enhancement act; requiring certain expenditures from school district at-risk education funds; amending K.S.A. 72-5151 and K.S.A. 2019 Supp. 72-5153 and repealing the existing sections.

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

Section 1. K.S.A. 72-5151 is hereby amended to read as follows: 72-5151. (a) The at-risk student weighting of each school district shall be determined by the state board as follows:

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

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

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

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

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

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

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

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

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

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

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

(iii) multiply the product determined under subsection (b)(2)(A)(ii) by the number of at-risk students included in the enrollment of such
school; or
(B) if the enrollment of a school in the school district is 50% or more at-risk students, multiply the number of at-risk students included in the enrollment of such school by 0.105; and
(C) add the products determined under subsections (b)(2)(A)(iii) and (b)(2)(B) for each such school in the school district, respectively.

(3) The high-density at-risk student weighting of the school district shall be the greater of the product determined under subsection (b)(1) or the sum determined under subsection (b)(2)(C).

(4) Commencing in school year 2018-2019, School districts that qualify to receive the high-density at-risk student weighting pursuant to this section shall spend any money attributable to the school district's high-density at-risk student weighting on the at-risk best practices developed by the state board pursuant to K.S.A. 72-5153(d), and amendments thereto. If a school district that qualifies for the high-density at-risk student weighting does not spend such money on such best practices, the state board shall notify the school district that it shall either spend such money on such best practices or shall show improvement within five years of notification. Improvement shall include, but not be limited to, the following: (A) The percentage of students at grade level on state math and English language arts assessments; (B) the percentage of students that are college and career ready on state math and English language arts assessments; (C) the average composite ACT score; or (D) the four-year graduation rate. If a school district does not spend such money on such best practices and does not show improvement within five years, the school district shall not qualify to receive the high-density at-risk student weighting in the succeeding school year.

(5) The provisions of this subsection shall expire on July 1, 2025.

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

Sec. 2. K.S.A. 2019 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, which 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) Commencing in school year 2018-2019, 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 based on
best practices identified pursuant to subsection (d);

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

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

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

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

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

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

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

(3) The state board shall provide a list of approved at-risk
educational programs to each school district. 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
program, unless such program is a provisional at-risk educational
program. Expenditures shall only be made for a provisional at-risk
educational program for the first year such program is implemented
by a school district. The state board shall review any such provisional
at-risk educational program, and if such program satisfies the state
board's requirements as an evidence-based best practice, then such
program shall be included in the list of approved at-risk educational
programs. The department shall publish the list on the department's
website with a link to such list prominently displayed on the website homepage.

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

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

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

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

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

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

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

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

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

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

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

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

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