

KANSAS OFFICE *of*
REVISOR *of* STATUTES

LEGISLATURE *of* THE STATE *of* KANSAS
Legislative Attorneys transforming ideas into legislation.

300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

MEMORANDUM

To: Senate Committee on Education
From: Office of Revisor of Statutes
Date: February 17, 2021
Subject: SB 173—At-Risk Education

Senate Bill 173 would amend the Kansas school equity and enhancement act relating to at-risk education programs and services and funding for such programs and services.

School District At-Risk Education Programs and Student Eligibility

New section 1 of SB 173 would explicitly state that the state board of education shall require local school districts to implement at-risk educational programs and services that provide additional educational opportunities, interventions and evidence-based instruction using the at-risk best practices identified by the state board.

Additionally, new section 1 would require a student to be identified as eligible to receive at-risk programs and services if the student meets one or more of the following criteria:

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

High-Density At-Risk Student Weighting Sunset

Section 3 would amend K.S.A. 72-5151 to extend the high-density at-risk student weighting sunset from July 1, 2020, to July 1, 2023. This weighting has statutorily expired, but the 2020 budget bill (SB 66) continued funding the high-density at-risk student weighting for fiscal years 2021 and 2022.

Transfer of State Foundation Aid to the At-Risk Education Fund

Section 3 would require school districts to transfer the portion of the school district's state foundation aid that is directly attributable to the at-risk student weighting and high-density at-risk student weighting to the district's at-risk education fund.

At-Risk Education Fund Expenditures

Currently, K.S.A. 72-5153 allows school districts to expend money in their at-risk education fund on certain allowable expenditures. Section 4 would add as an allowable expenditure support for instructional classroom personnel designed to provide training for at-risk educational programs.

Approved At-Risk Educational Programs and Provisional At-Risk Programs

Additionally, section 4 would require the state board to publish and provide to each school district a list of approved at-risk educational programs. School districts would be required to expend money in their at-risk educational fund on those approved at-risk educational programs or on provisional at-risk programs. Money in the fund could only be spent on provisional at-risk programs for up to three years. The state board would be required to review provisional at-risk programs and if such programs satisfy the state board's requirements as an evidence-based best practice, then the provisional at-risk program shall be included on the state board's list of approved at-risk programs.

Delivery of At-Risk Programs

Section 4 would also provide that delivery of at-risk and provisional at-risk programs or services may include the following:

- (1) Extended school year;
- (2) Before-school programs;

- (3) After-school programs;
- (4) Summer school;
- (5) Extra support within a class;
- (6) Tutorial assistance; and
- (7) Class within a class.

Local School Board Report on At-Risk Programs

Currently, local school boards are required to prepare and submit a report to the state board on programs and assistance provided to students eligible to receive at-risk programs or services. Section 4 would clarify those reporting requirements and would add to the reporting requirements that the local school boards report on the longitudinal performance of students that are continuously receiving at-risk programs and services.

Definitions

Subsection (g) of section 4 would add definitions for the terms "at-risk educational program" and "provisional at-risk educational program."

Performance Audit on At-Risk Education Expenditures

Section 5 would amend K.S.A. 72-5173 to require the legislative post audit committee to direct the legislative division of post audit to conduct a performance audit of at-risk education expenditures during calendar year 2022 and report the findings of such audit to the legislature by January 15, 2023.

Effective Date

SB 173 would take effect on July 1, 2021, upon publication in the statute book.