

February 17, 2021

The Honorable Molly Baumgardner, Chairperson  
Senate Committee on Education  
Statehouse, Room 445B-S  
Topeka, Kansas 66612

Dear Senator Baumgardner:

**SUBJECT:** Fiscal Note for SB 173 by Senate Committee on Education

In accordance with KSA 75-3715a, the following fiscal note concerning SB 173 is respectfully submitted to your committee.

SB 173 would require the State Board of Education to require all school districts to implement at-risk educational programs and services that provide additional education opportunities, interventions and evidence-based instruction using at-risk best practices, as outlined in KSA 72-5153.

SB 173 would identify a student 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 or is failing subjects or courses of study;
3. Is not meeting the requirements necessary for graduation from high school or has the potential to drop out of school;
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.

SB 173 would also extend the sunset date for the high-density at-risk student weighting from July 1, 2020, to July 1, 2023. The bill would clarify that the purpose of the at-risk student weighting and the high-density at-risk student weighting is to provide students as eligible to receive at-risk programs and services with evidence-based educational services in addition to regular instructional services.

The bill would require a school district to transfer any State Foundation Aid that is directly attributable to the school district's at-risk student weighting and the high-density at-risk student weighting to be transferred to the district's at-risk education fund. The bill would allow districts to use its at-risk education fund for support for instructional classroom personnel designed to provide training for evidence-based best practices for at-risk educational programs, as well as provisional at-risk education program. The bill would require the State Board of Education to provide a list of approved at-risk educational programs to each school district. The bill would require the Department to publish the list of programs on the agency's website with a link to the list prominently displayed.

No expenditures from a school district's at-risk education fund could be used for a provisional at-risk educational program unless the program is on the Department's list. A provisional at-risk educational program could only be made for a three-year period. The State Board would be required to review any provisional at-risk educational programs and if approved, the program would then be added to the list of approved programs.

The bill would state the purpose of the at-risk and provisional at-risk educational programs and services is to provide eligible students with additional educational opportunities, interventions, and evidence-based instructional services above and beyond regular educational services. Delivery of at-risk and provisional at-risk programs by a school district could include the following:

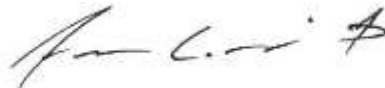
1. Extended school year;
2. Before-school programs and services
3. After-school programs and services;
4. Summer school;
5. Extra support within a class;
6. Tutorial assistance; and
7. Class within a class.

The bill would amend the at-risk programs report by each school district to the State Board of Education to include provisional at-risk educational programs. In addition, districts would be required to track and report the longitudinal performance of students that are continuously receiving at-risk programs. Data for this tracking could include state assessment scores, Kansas English language proficiency assessments, four-year graduation rates, progress monitoring, norm-referenced test results, criterion-based test results, individualized education program goals, attendance, and average ACT composite scores.

Finally, the bill would require a performance audit by the Legislative Division of Post Audit on at-risk educational expenditures during calendar year 2022, with a final audit report to be submitted to the Legislature on or before January 15, 2023.

The enactment of SB 173 would not affect state aid payments to school districts. No additional expenditures would be required by the Department of Education to implement the requirements of SB 173, if enacted. However, the bill would require school districts segregate funding attributable to at-risk and high-density at-risk student weightings. The Legislative Division of Post Audit indicates that the cost for the additional audit requirement could be met with the agency's current budget and staffing levels.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt  
Director of the Budget

cc: Craig Neuenswander, Education