

SB 387 At-Risk Education Fund Cut

Cuts funds for At-Risk students based on the students test scores.

SESSION OF 2024

THIRD CONFERENCE COMMITTEE REPORT BRIEF SENATE BILL NO. 387

As Agreed to April 5, 2024

Brief*

House Sub. for SB 387 would make appropriations for the Kansas State Department of Education for FY 2024, FY 2025, and FY 2026; make adjustments to the Kansas School Equity and Enhancement Act (KSEEA); establish the Education Funding Task Force; repeal authorization for the Special Education and Related Services Funding Task Force; and amend various provisions of law related to K-12 education.

The bill would be in effect upon publication in the *Kansas Register*.

Appropriations for FY 2024, FY 2025, and FY 2026 (New Sections 1–3)

The bill would make appropriations for the Kansas State Department of Education (KSDE).

FY 2024

For KSDE, the bill would:

- Lapse \$714,470 from the State General Fund (SGF) from the Kansas Public Employees Retirement System (KPERs) non-USDs account;
- Lapse \$341 SGF from the KPERs USDs account;
- Lapse \$81.9 million SGF from the State Foundation Aid account;
- Lapse \$14.6 million SGF from the Supplemental State Aid account;
- Lapse \$40,000 SGF from the Career Technical Education Pilot account;
- Lapse \$300,000 SGF from the Juvenile Transitional Crisis Center Pilot account; and
- Add \$87,297 SGF to accommodate the pay plan shortfall.

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

- Calculate Medicaid and state hospitals funding;
- Add total general education funding for Special Education students, federal aid, and Medicaid and state hospitals funding together for the total deductions;
- Calculate estimated Special Education expenditures;
- Subtract total deductions from estimated Special Education expenditures for Total Excess Costs; and
- Multiply total excess costs by 92 percent.

Appropriation and distribution; maintenance of effort. The bill would amend law governing Special Education State Aid and its computation to require the Legislature to appropriate at least \$601.0 million for special education for FY 2025 and every fiscal year thereafter. The bill would also require the State Board to distribute \$528.0 million, as was approved for FY 2024, based upon the statewide distribution system continuing in law and create an equalization distribution schedule for any Special Education State Aid appropriated above the \$528.0 million and distribute the difference under the State Board’s distribution system.

Local Option Budget (Section 16)

The bill would amend law governing School District State Aid and the LOB to require school districts to transfer a portion of their LOB fund to the district’s special education fund. This amount would be proportionally equal to the amount of the school district’s Total Foundation Aid that is attributable to the special education weighting.

At-Risk Accountability Plan and Improvement Goals, Reporting (New Section 6; Sections 17–18)

The bill would establish requirements for school districts, starting in school year 2024-2025 for school districts selected for a two-year pilot program and in 2026-2027 for all school districts, to establish at-risk student accountability plans and annually report on at-risk student performance and show longitudinal academic improvement for those students. The bill would also amend law governing a school district’s at-risk education fund and reporting to the State Board to require the State Board to publish an online at-risk best practices resource list instead of publishing a list of approved evidence-based best practices, remove authorization of at-risk funds for provisional at-risk programs, add and modify existing definitions including “above and beyond” and “evidence-based instruction,” require summary reporting to legislative committees, and prohibit the State Board from revising or updating the ELA or mathematics curriculum standards until the state meets the State Board’s goal of having 75 percent of all students score levels 3 or 4 on the ELA and mathematics assessments.

At-Risk Accountability Plan (New Section 6)

The bill would require each participating school district to create and annually submit an at-risk accountability plan to the State Board, starting in school year 2024-2025 for the pilot

program (and in school year 2026-2027 for the statewide program). The bill would require the plan to:

- Demonstrate the use of evidence-based instruction for at-risk students;
- Measure longitudinal academic progress in a quantitative manner;
- Establish and meet the quantitative student improvement goals for certain identified student cohort groups;
- Ensure that at-risk education fund moneys are expended in accordance with law by providing services above and beyond regular education services; and
- Continue the process of identifying certain student cohort groups (described below) and providing evidence-based instruction above and beyond that of regular education to such identified cohort groups until the school districts meet the State Board's goal of having 75 percent of all students score levels 3 or 4 on the ELA and mathematics state assessments.

Quantitative Measures

The bill would require the quantitative measures approved by the State Board to only include the following:

- ELA and mathematics state assessments;
- A formative assessment approved by the State Board;
- A summative assessment approved by the State Board; or
- The ACT or ACT WorkKeys assessments.

Student Cohort Groups; Pilot Program

The bill would require each participating school district, beginning in school year 2024-2025 for the pilot program (described below) and in school year 2026-2027 for all school districts (including those participating in the pilot program), to have two student cohort groups for its at-risk accountability program.

Pilot program for select school districts; State Board of Education. The bill would establish a two-year pilot program, commencing in school year 2024-2025, for ten school districts selected by the State Board for participation in the at-risk accountability plan program and cohort group metrics and reporting specified in the bill. The bill would require the State Board to select a diverse array of school districts with consideration given to a school district's size, location, student demographics, and level of staff participation and prior training in the science of reading.

Requirements for the cohort groups for both the pilot program and statewide program include:

- One cohort group would be in 3rd grade and an additional cohort group would be from any other grade K-8;

- One cohort group would be free lunch unless such cohort group is fewer than ten students, in which case another cohort group may be chosen;
- The other cohort group could be any cohort group used for state assessment purposes or at-risk students under the at-risk criteria;
- Each cohort group would have two, three, or four targeted supports or interventions chosen by the school district. The bill would require these supports or interventions to be chosen from the State Board's list of approved at-risk educational programs;
- Evaluations for the 3rd grade cohort group would be on two quantitative measures, one of which would be the ELA and mathematics state assessments and the other would be from the list of approved quantitative measures; and
- Evaluations for the other cohort group would be on two quantitative measures, one of which would be the ELA and mathematics state assessments if the grade will take the assessments, and the other would be from the list of approved quantitative measures. If no state assessments are being taken, the bill would require both measures to be from the list of approved quantitative measures.

Longitudinal Study

The bill would require each school district to conduct a four-year or five-year longitudinal evaluation of each cohort group in ELA and mathematics. Each school district would be directed to establish a quantitative goal for each cohort group and track the progress of the two cohort groups using state assessment scores and an additional goal chosen by the school district to determine whether the goals are being met or exceeded. Additionally, the school districts would not be able to revise the stated quantitative goals once set.

The bill would also require each school district to continue the practice of identifying cohort groups and providing evidence-based instruction to those cohort groups until the school district achieves the State Board's goal of having 75 percent of all students score a level 3 or 4 on the state assessments for ELA and mathematics.

Failure to Achieve Stated Goals

The bill would outline consequences for the failure to achieve the goals set by the school district. Beginning in school year 2030-2031, these consequences will include:

- If the cohort group did not meet or exceed the goals, the State Board would be required to deem the school district as not meeting at-risk improvement requirements on the district's at-risk student achievement report published on the State Board's website. This determination would remain until a new cohort group in the applicable starting grade level meets or exceeds the goals;
- If the cohort group did not meet or exceed the quantitative goals in the initial evaluation period, the school district would have one more year to further evaluate that cohort group's progress;

- If one cohort group fails to meet or exceed the goals at the end of the one additional school year, the school district would not be entitled to receive the full amount of state aid attributable to the at-risk and high-density at-risk weightings. Instead, the school district would receive half of the BASE aid increase plus the prior year's BASE aid amount for the at-risk and high-density at-risk weightings for funding purposes; and
- If both cohort groups fail to meet or exceed the goals at the end of the one additional school year, the at-risk and high-density at-risk weightings would use the prior year's BASE aid amount for funding purposes.

Reporting by School Districts to the State Board of Education

The bill would require each school district to annually report to the State Board the following information:

- The school district's at-risk accountability plan;
- Current progress on achieving the at-risk accountability plan;
- A report of the expenditures made from the school district's at-risk education fund, which must be submitted:
 - In school years 2024-2025 and 2025-2026 by the school districts participating in the pilot program; and
 - In school year 2026-2027 and each subsequent school year, by all school districts;
- An estimate of whether the school district expects to meet or exceed the longitudinal academic improvement goals established by the school district;
- The at-risk programs, services, resources, and targeted support and interventions from the list of approved programs that are used by the school district to provide evidence-based services above and beyond regular education services;
- The number of at-risk students identified and served; and
- The data and research the school district used to determine the at-risk programs and services.

The bill would also permit each school district to submit a narrative with the district's at-risk student achievement report.

For the statewide program, the bill would require the State Board to publish information reported by school districts on the KSDE website, underneath a link titled "accountability reports." Each school district would also be required to provide the individual school district's at-risk accountability plan on the school district's website.

Reporting by the Kansas State Department of Education to the Legislature

The bill would require KSDE to prepare and submit a summary of the reports from the school districts to the House Committee on K-12 Education Budget and Senate Committee on Education on or before January 31 each year.

Expenditures of At-Risk Funding (Section 17)

The bill would amend law pertaining to at-risk funding to require provisional at-risk programs to be subject to school district review while the program is implemented to evaluate whether the program is producing or is likely to produce measurable success and, if the program satisfies the State Board's requirements, it would be added to the list of approved at-risk educational programs.

The bill would further provide if the State Board removes any program or service from its list, a school district that is implementing such program or service may apply to the State Board to continue to make expenditures from the district's at-risk education fund to continue to implement such program or service. The bill would direct the State Board, when considering a district's application to continue such program or service, to require a district to demonstrate that either of the following improvements are directly attributable to the program or service:

- Academic improvement in either mathematics or ELA has occurred; or
- There has been an improvement in attendance, college and career readiness measures, or the education climate through a showing of a measurable decrease in detentions, expulsions, tardiness, or other behavioral issues that hinder student learning.

The bill would amend and establish definitions for terms including:

- "Above and beyond," to mean an at-risk education 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 at-risk and may provide a collateral benefit to students who are not identified as at-risk without any additional costs;
- "At-Risk educational program," to mean 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 programs and services above and beyond regular educational services;
- "Evidence-based instruction," to mean 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 for at-risk programs and services; and
- "Provisional at-risk educational program," to mean an education delivery practice that is identified or developed by a school district as a program or service that is:
 - Provided to students who are eligible to receive at-risk programs and services above and beyond regular educational services;
 - Producing or is likely to produce better student outcomes;

House Status: [Adjourned proforma until Thursday, April 25, 2024 at 11:00 a.m.](#)
Senate Status: [Adjourned proforma until Thursday, April 25, 2024 at 09:00 a.m.](#)

Minutes for HB2650 - Committee on K-12 Education Budget

Short Title

Requiring each school district to establish an at-risk student accountability plan and to show academic improvement in certain student subgroups and students identified as eligible for at-risk programs, prohibiting the state board of education from revising the curriculum standards in English language arts and mathematics until 75% of all students achieve proficiency and requiring school districts to comply with all state laws and rules and regulations to maintain accreditation.

Minutes Content for Wed, Feb 7, 2024

Nick Myers, Office of Revisor of Statutes, read the bill brief for [HB2650](#). ([Attachment 2](#))

The Chair opened the hearing on [HB2650](#).

The following people provided testimony.

Proponents

Mike O'Neal, Kansas Policy Institute ([Attachment 3](#))

The only proponent testimony was from a political lobbyist and the spouse of the lobbyist.

Written Only Proponents

Trish O'Neal, Citizen ([Attachment 4](#))

Opponents

Rae Niles, Superintendent, USD 439 ([Attachment 5](#))

All other testimony opposed the bill.

Jim Karleskint, USA Kansas ([Attachment 6](#))

Leah Fliter, KASB ([Attachment 7](#))

Ann Mah, Kansas State Board of Education ([Attachment 8](#))

Erin Woods, Game On for Kansas Schools (WebEx) ([Attachment 9](#))

Written Only Opponents

John West, Citizen ([Attachment 10](#))

Karen Burrows, Superintendent, USD 507 ([Attachment 11](#))

Tonya Merrigan, Superintendent, USD 229 ([Attachment 12](#))

Michelle Hilliard, Principal, Complete High School Maize ([Attachment 13](#))

Sharon Walker, Principal, Chamber Academy ([Attachment 14](#))

Michael McCambridge, Assistant Principal, Independence High School ([Attachment 15](#))

Susan Willis, CFO, USD 459 ([Attachment 16](#))

Lauren Tice Miller, KNEA ([Attachment 17](#))

Patty Carter, KASEA ([Attachment 18](#))

Neutral

None

Written Only Neutral

Kansas Legislature

SB 387

AN ACT concerning education; making and concerning appropriations for the fiscal years ending June 30, 2024, June 30, 2025, and June 30, 2026, for the state department of education; establishing the education funding task force and requiring such task force to review and make recommendations regarding the state's school finance system prior to the expiration of the Kansas school equity and enhancement act; abolishing the special education and related services funding task force; revising the special education state aid statewide excess costs calculation to count additional funding; requiring the state board of education to determine excess costs for each school district; requiring the state board of education to establish a special education state aid equalization distribution method and to distribute certain amounts of special education state aid pursuant to such method; requiring each school district to transfer the amount attributable to the special education and related services weighting from the supplemental general fund to the school district's special education fund; requiring each school district to submit annually to the state board of education an at-risk student accountability plan and to measure and show academic improvement in certain student cohort groups; holding school districts accountable to meeting the student cohort group improvement goals; revising requirements relating to school district at-risk education fund expenditure; prohibiting the state board of education from substantially revising curriculum standards in English language arts and mathematics until 75% of all students achieve a certain academic proficiency level; requiring school districts to give enrollment priority to students who reside in Kansas over students who do not reside in the state except under certain circumstances; authorizing certain nonresident students to continue enrollment in a school district of nonresidence; authorizing a school district to deem nonresident students as not in good standing prior to enrollment and an appeal process for students who are denied enrollment pursuant to such action; requiring school district student transfer policy revisions to be published on the school district's website; exempting virtual schools from open enrollment requirements; limiting the legislative option to purchase school district buildings and authorizing the legislative coordinating council to deny the legislative option when the legislature is not in session; prohibiting school districts from refusing to convey a building or property solely because the buyer or lessee may use or intends to use the building or property for nonpublic school purposes; establishing requirements for the determination of virtual school state aid for certain students who are funded on a per credit hour basis; requiring virtual school state aid be determined using full-time equivalent enrollment; authorizing students enrolled in a virtual school to participate in activities regulated by the Kansas state high school activities association; amending K.S.A. 72-3422 and 72-5143 and K.S.A. 2023 Supp. 72-1439, 72-3123, 72-3124, 72-3126, 72-3127, 72-3216, 72-3715, 72-5153, 72-5170, 72-5193 and 72-7121 and repealing the existing sections; also repealing K.S.A. 2023 Supp. 72-3442.

House - Conference Committee Report was adopted; - 04/26/2024

On roll call the vote was:

Yea - (115):

Alcala, Amyx, Anderson, Ballard, Barth, Bergkamp, Bergquist, Blex, Bloom, Borjon, Bryce, Buehler, Butler, Carlin, Carmichael, W. Carpenter, Carr, Clifford, Collins, Concannon, Corbet, Croft, Curtis, Delperdang, Dodson, Droge, Ellis, Eplee, Essex, Estes, Fairchild, Featherston, Francis, Garber, Gardner, Goddard, Goetz, Haskins, Haswood, Hawkins, Helgerson, Highberger, Hill, Hoffman, Hoheisel, Hougland, Howe, Howell, Howerton, Hoye, Humphries, Johnson, Kessler, Landwehr, Lewis, Martinez, Mason, Maughan, McDonald, McNorton, Melton, Meyer, D. Miller, S. Miller, V. Miller, Minnix, Moser, Murphy, Neelly, Neighbor, Ohaebosim, Oropeza, Osman, Ousley, Owens, Penn, Pickert, Poskin, Probst, Proctor, Rahjes, Resman, Robinson, Roth, L. Ruiz, S. Ruiz, Sanders, Sawyer, Sawyer Clayton, Schlingensiepen, Schmoe, Schreiber,

Seiwert, A. Smith, C. Smith, E. Smith, Stiens, Stogsdill, Sutton, Tarwater, Thomas, Thompson, Titus, Turk, Turner, Underhill, Wasinger, Waymaster, Weigel, White, K. Williams, L. Williams, Winn, Xu, Younger,

Nay - (2):

Awerkamp, Waggoner,

Present but not Voting - (0):

Absent and Not Voting - (8):

My opponent was absent and not voting.

Blew, B. Carpenter, Houser, Jacobs, Poetter Parshall, Rhiley, Vaughn, Woodard,

Not Voting - (0):

Kansas Legislature

SB 387

AN ACT concerning education; making and concerning appropriations for the fiscal years ending June 30, 2024, June 30, 2025, and June 30, 2026, for the state department of education; establishing the education funding task force and requiring such task force to review and make recommendations regarding the state's school finance system prior to the expiration of the Kansas school equity and enhancement act; abolishing the special education and related services funding task force; revising the special education state aid statewide excess costs calculation to count additional funding; requiring the state board of education to determine excess costs for each school district; requiring the state board of education to establish a special education state aid equalization distribution method and to distribute certain amounts of special education state aid pursuant to such method; requiring each school district to transfer the amount attributable to the special education and related services weighting from the supplemental general fund to the school district's special education fund; requiring each school district to submit annually to the state board of education an at-risk student accountability plan and to measure and show academic improvement in certain student cohort groups; holding school districts accountable to meeting the student cohort group improvement goals; revising requirements relating to school district at-risk education fund expenditure; prohibiting the state board of education from substantially revising curriculum standards in English language arts and mathematics until 75% of all students achieve a certain academic proficiency level; requiring school districts to give enrollment priority to students who reside in Kansas over students who do not reside in the state except under certain circumstances; authorizing certain nonresident students to continue enrollment in a school district of nonresidence; authorizing a school district to deem nonresident students as not in good standing prior to enrollment and an appeal process for students who are denied enrollment pursuant to such action; requiring school district student transfer policy revisions to be published on the school district's website; exempting virtual schools from open enrollment requirements; limiting the legislative option to purchase school district buildings and authorizing the legislative coordinating council to deny the legislative option when the legislature is not in session; prohibiting school districts from refusing to convey a building or property solely because the buyer or lessee may use or intends to use the building or property for nonpublic school purposes; establishing requirements for the determination of virtual school state aid for certain students who are funded on a per credit hour basis; requiring virtual school state aid be determined using full-time equivalent enrollment; authorizing students enrolled in a virtual school to participate in activities regulated by the Kansas state high school activities association; amending K.S.A. 72-3422 and 72-5143 and K.S.A. 2023 Supp. 72-1439, 72-3123, 72-3124, 72-3126, 72-3127, 72-3216, 72-3715, 72-5153, 72-5170, 72-5193 and 72-7121 and repealing the existing sections; also repealing K.S.A. 2023 Supp. 72-3442.

Senate - Conference Committee Report was adopted; - 04/26/2024

On roll call the vote was:

Yea - (35):

Alley, Baumgardner, Billinger, Blasi, Bowers, Claeys, Corson, Dietrich, Doll, Erickson, Fagg, Faust-Goudeau, Francisco, Gossage, Holland, Holscher, Kerschen, Kloos, Longbine, Masterson, McGinn, O'Shea, Olson, Peck, Petersen, Pettey, Pittman, Pyle, Reddi, Straub, Sykes, Thompson, Ware, Warren, Wilborn,

Nay - (2):

Steffen, Tyson,

Present and Passing - (0):

Absent and Not Voting - (3):

Haley, Ryckman, Shallenburger,

Not Voting - (0):