

Testimony before House Education Committee  
HB 2596 – classroom based funding act  
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(Written only – neutral)

Chairman Highland and members of the Committee

The Kansas Chamber appreciates the opportunity to provide written testimony on HB 2596. This hearing, unfortunately, coincides with our Kansas Chamber Executive Committee and Board of Directors meeting and therefore we are unable to attend in person. However, this is an important issue and as we learn more details about the proposal will stand ready to provide input and assistance if and when appropriate.

We have read the proposal but have not had the opportunity to analyze the mechanics of the bill in order to take a position other than neutral at this point. That said, our over-arching position on K-12 funding is to **“support an excellent education system which produces a well-educated, well-trained Kansas workforce for tomorrow’s business needs”**.

Specifically, three particular planks of our Education agenda are relevant to consideration of this school finance proposal.

- **“Support a suitable school finance system for K-12 education that ensures taxpayer dollars are adequately and efficiently invested toward instruction in order to provide students and teachers with the resources needed to fulfill the mission of the Department of Education.”**
- **“Support realignment of funding priorities toward individual student needs by creating individualized plans of study and targeting resources toward the successful execution of those plans such that students are truly college and/or career ready.”**
- **“Support vigorous and dynamic Kansas-based primary and secondary education standards that focus on college and career readiness and which ensure acquisition, retention and comprehension of an essential base of knowledge at every step of the educational process toward a career suited to each student’s interest and ability.”**

HB 2596 contains a number of provisions that have merit as it relates to our view of school finance moving forward from the current Block Grant phase:

- It is prudent to begin this session with a framework for a new school funding plan.
- It is prudent to begin with a pilot program consisting of a representative set of school districts.
- A plan that is targeted toward the goal of instruction and focused first on the classroom is ideal and consistent with the outcomes contained in statute.
- It also appears prudent for Legislative Post Audit to have a continuing role in helping make any school funding mechanism dynamic.



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- We support the concept of “zero-based” and “performance based” budgeting to ensure that the core mission becomes the foundation for any budget plan and that performance (outcomes) be embedded in annual budget reviews and decisions as to funding such that good outcomes are appropriately incentivized and bad outcomes aren’t inadvertently rewarded.
- As stated above, we support Kansas-based standards and assessments.

This hearing comes in the wake of last week’s Supreme Court ruling in Gannon. Accordingly, attention needs to be directed toward the mechanics of appropriate equalization. That said, notwithstanding language in the Court’s decision to the contrary, the Court’s power to enforce or remedy a perceived flaw in legislatively approved school funding is limited. Current law protects schools from court-ordered closure to force the Legislature to capitulate to a judicial violation of the separation of powers doctrine. Current law also protects against the court enjoining the state from distributing funds to school districts through the Department of Education. Art. 2, Sec. 24 of the Kansas Constitution places the sole power over appropriations in the hands of the legislative branch. The Judicial Branch is prohibited from, by judicial fiat, inserting itself into the appropriation process and, thereby, displacing your constituents. They cannot reshape the democratic process of 63 and 21 any more than they can dictate who the 63 and 21 will be.

Accordingly, in determining the structure of equalization, the test remains one of educational opportunity and not one of math. The Court has acknowledged that the measure of “equity” is: “School districts must have reasonably equal access to substantially similar educational opportunity through similar tax effort.” Equity is not, as the Court is prone to conclude, a calculation made by an employee of the Department of Education.



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